

1965
SESSION LAWS
OF THE
STATE OF WASHINGTON

REGULAR SESSION, THIRTY-NINTH LEGISLATURE
Convened January 11, 1965. Adjourned March 11, 1965.

VOLUME NO. 1
ALL LAWS OF THE 1965 REGULAR SESSION



Compiled in Chapters by
A. LUDLOW KRAMER
Secretary of State

MARGINAL NOTES AND INDEX

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Preface

The Thirty-Ninth Legislature of the State of Washington convened at 12 o'clock noon, January 11, 1965 (being the second Monday in January of the odd-numbered year), and adjourned *sine die* March 11, 1965.

All acts passed by the Regular Session, either approved by the Governor or allowed to become law without his signature, took effect ninety days after adjournment. The effective date fell this year on June 10, 1965 (**midnight**, June 9), except relief bills, appropriations and other acts in which emergencies have been declared, or acts in which the effective date has been postponed.



A. LUDLOW KRAMER
Secretary of State

LAWS OF WASHINGTON

PASSED AT THE

Thirty-Ninth Regular Session

1965

CHAPTER 1.

[House Bill No. 40.]

SALARIES—ELECTED STATE OFFICERS.

AN ACT relating to state government; increasing salaries of elective state officers; amending section 1, chapter 48, Laws of 1949, as last amended by section 1, chapter 5, Laws of 1961, and RCW 43.03.010; and declaring an emergency.

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

SECTION 1. Pursuant to the directive set forth in RCW 43.03.028, the governor's advisory committee on salaries has studied the duties and salaries of state elective officials. The committee has made its report and recommendations to the governor and legislative council. This act is adopted by the legislature after consideration of the committee report and salaries of comparable positions in federal, state, and municipal government.

Elected state officers—Salaries. Committee report as basis for increase.

SEC. 2. Section 1, chapter 48, Laws of 1949, as last amended by section 1, chapter 5, Laws of 1961, and RCW 43.03.010 are each amended to read as follows:

RCW 43.03.010 amended.

The annual salaries of the following named state elected officials shall be: Governor, thirty-two thousand five hundred dollars; lieutenant governor, ten thousand dollars; secretary of state, fifteen thousand dollars; state treasurer, fifteen thousand dollars; state auditor, sixteen thousand five hundred dollars;

Salaries of elective state officers.

Salaries of
elective state
officers.

attorney general, twenty-three thousand dollars; superintendent of public instruction, twenty-two thousand five hundred dollars; commissioner of public lands, twenty thousand dollars; state insurance commissioner, sixteen thousand five hundred dollars; members of the legislature shall receive for their service twelve hundred dollars per annum, and in addition, ten cents per mile for travel to and from legislative sessions: *Provided*, That anyone appointed to fill any vacancy that may occur in either the senate or house shall not receive any compensation for salary as herein provided until such appointee shall have qualified for office and shall have taken his oath of office at the next convening regular or special session of the legislature.

Emergency.

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

Passed the House January 12, 1965.

Passed the Senate January 12, 1965.

Approved by the Governor January 12, 1965.

CHAPTER 2.

[Senate Bill No. 66.]

APPROPRIATION—EXPENSES OF LEGISLATURE.

AN ACT relating to the expenses and costs of the legislature; making appropriations therefor; and declaring an emergency.

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

Legislative
expenses.
Appropriation.

SECTION 1. There is hereby appropriated out of the state general fund to the legislature the sum of six hundred and fifty-one thousand one hundred

fifty dollars (\$651,150), or so much thereof as may be necessary for the purpose of paying the expenses, except printing, of the legislature. From the amount hereby appropriated:

(1) The Senate shall not expend more than two hundred and ninety-nine thousand nine hundred dollars (\$299,900); and

(2) The House of Representatives shall not expend more than three hundred and fifty-one thousand two hundred fifty dollars (\$351,250): *Provided*, That none of the funds appropriated by this section shall be expended by or for the legislative council, the legislative budget committee, or any other legislative interim committee: *And provided further*, That from the allocation of the House of Representatives, the House shall reimburse the Speaker for not more than seventy days, in lieu of per diem, at the rate of forty dollars per day for each day or major portion thereof in which he is actually engaged in completing the work of the thirty-ninth legislature and is performing his duties as Speaker during the interim period until the convening of the next regular session of the legislature.

SEC. 2. There is hereby appropriated out of the state general fund to the legislature the sum of two hundred and sixty-five thousand dollars (\$265,000), or so much thereof as may be necessary, for printing, indexing, binding and editing the session laws, Senate and House journals, and other printing, and binding public documents. Appropriation.

SEC. 3. There is hereby appropriated out of the general fund, for the statute law committee, to carry out the provisions of section 6, chapter 257, Laws of 1953, salaries, wages and operations, the sum of five thousand dollars (\$5,000) or so much thereof as is necessary, to pay the additional cost of preparing and drafting bills for the legislature. Appropriation.

Emergency.

SEC. 4. This act is necessary for the immediate support of the state government and shall take effect immediately.

Passed the Senate January 14, 1965.

Passed the House January 15, 1965.

Approved by the Governor January 18, 1965.

CHAPTER 3.

[Senate Bill No. 65.]

APPROPRIATION—LEGISLATORS' SUBSISTENCE.

AN ACT relating to state government; providing for the subsistence and lodging of members of the legislature and the president of the senate; amending section 1, chapter 173, Laws of 1941 as last amended by section 1, chapter 3, Laws of 1957, and RCW 44.04.080; making an appropriation; and declaring an emergency.

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

RCW 44.04.080 amended.

SECTION 1. Section 1, chapter 173, Laws of 1941 as last amended by section 1, chapter 3, Laws of 1957, and RCW 44.04.080 are each amended to read as follows:

Legislature. In lieu payments.

Members of the legislature including the president of the senate shall be paid not to exceed forty dollars per day in lieu of subsistence and lodging during and while attending any legislative session.

Appropriation.

SEC. 2. There is hereby appropriated to the legislature out of the state general fund the sum of three hundred fifty-seven thousand six hundred dollars (\$357,600) for payment to members of the legislature and the president of the senate at the rate of forty dollars per day in lieu of subsistence and lodging while in attendance at the thirty-ninth legislature.

SEC. 3. This act is necessary for the immediate support of the state government and shall take effect immediately. Emergency.

Passed the Senate January 14, 1965.

Passed the House January 15, 1965.

Approved by the Governor January 19, 1965.

CHAPTER 4.

[Senate Bill No. 197.]

APPROPRIATION—LEGISLATIVE COUNCIL, BUDGET AND EDUCATION COMMITTEES.

AN ACT relating to state government; appropriating funds for the legislative council, the legislative budget committee, and the joint committee on education of the legislature; and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of the state general fund to the legislative council, the legislative budget committee, and the joint committee on education of the legislature, the sum of thirty-four thousand dollars (\$34,000) or so much thereof as may be necessary for the purpose of paying the expenses of said council and committees incurred in preparation for, and during, the thirty-ninth legislature. From the amount hereby appropriated:

(1) The legislative council shall not expend more than twenty-two thousand dollars (\$22,000);

(2) The legislative budget committee shall not expend more than six thousand five hundred dollars (\$6,500); and

(3) The joint committee on education of the legislature shall not expend more than five thousand five hundred dollars (\$5,500).

Emergency.

SEC. 2. This act is necessary for the immediate support of the state government and shall take effect immediately.

Passed the Senate January 25, 1965.

Passed the House January 26, 1965.

Approved by the Governor January 27, 1965.

CHAPTER 5.

[Initiative Measure No. 215.]

MARINE RECREATION LAND ACT.

AN ACT providing for the use of monies, derived from existing motor vehicle fuel taxes paid by purchasers of fuel used in watercraft and not reclaimed by them as presently allowed by law, for the acquisition or improvement of land on fresh or salt water for marine recreational purposes. The act provides methods for determining the proportion of motor vehicle fuel tax paid for marine fuel, and it provides for distributing the unreclaimed monies one-half to the state and one-half to local government units. The act also creates a committee for outdoor recreation and makes appropriations.

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

Marine Recreation Land Act. Purpose.

SECTION 1. Washington is uniquely endowed with fresh and salt waters rich in scenic and recreational value. This outdoor heritage enriches the lives of citizens, attracts new residents and businesses to the state, and is a major support of its expanding tourist industry. Rising population, increased income and leisure time, and the rapid growth of boating and other water sports have greatly increased the demand for water related recreation, while waterfront land is rapidly rising in value and disappearing from public use. There is consequently an urgent need for the acquisition or improvement of waterfront land on fresh and salt water suitable for marine recreational use by Wash-

ington residents and visitors. To meet this need, it is necessary and proper that the portion of motor vehicle fuel taxes paid by boat owners and operators on fuel consumed in their watercraft and not reclaimed as presently provided by law should be expended for the acquisition or improvement of marine recreation land on the Pacific Ocean, Puget Sound, bays, lakes, rivers, reservoirs and other fresh and salt waters of the state.

SEC. 2. Definitions: As used in this act:

Definitions.

(a) "Marine recreation land" means any land with or without improvements which (1) provides access to, or in whole or in part borders on, fresh or salt water suitable for recreational use by watercraft, or (2) may be used to create, add to, or make more usable, bodies of water, waterways, or land, for recreational use by watercraft.

(b) "Public body" means any county, city, town, port district, park and recreation district, metropolitan park district, or other municipal corporation which is authorized to acquire or improve public outdoor recreation land.

(c) "Tax on marine fuel" means motor vehicle fuel tax which is (1) tax on fuel used in, or sold or distributed for use in, any watercraft, (2) refundable pursuant to chapter 82.36 RCW, and (3) paid to the director of licenses with respect to taxable sales, distributions, or uses occurring on or after the effective date of this act.

(d) "Watercraft" means any boat, vessel, or other craft used for navigation on or through water.

(e) "Committee" means the interagency committee for outdoor recreation.

SEC. 3. From time to time, but at least once each biennium, the director of licenses shall determine the amount or proportion of monies paid to him as motor vehicle fuel tax which is tax on marine fuel. The

Determining
tax paid on
marine fuel—
Fund to pay
cost of.

Marine Recreation Land Act.

director shall make or authorize the making of studies, surveys, or investigations to assist him in making such determination, and shall hold one or more public hearings on the findings of such studies, surveys, or investigations prior to making his determination. The director may delegate his duties and authority under this section to one or more persons of the department of licenses if he finds such delegation necessary and proper to the efficient performance of these duties. Except as provided in section 16, costs of carrying out the provisions of this section shall be paid from the marine fuel tax refund account created in section 4.

Marine fuel tax refund account. Created—Monies credited to.

SEC. 4. There is created the marine fuel tax refund account in the general fund. From time to time, but at least once each biennium, the director of licenses shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be tax on marine fuel. The state treasurer shall refund such amounts and place them in the marine fuel tax refund account to be held for those entitled thereto pursuant to chapter 82.36 RCW and section 5 of this act, except that he shall not refund and place in the marine fuel tax refund account for any period for which a determination has been made pursuant to section 3 more than the greater of the following amounts: (a) an amount equal to 2% of all monies paid to him as motor vehicle fuel tax for such period, (b) an amount necessary to meet all approved claims for refund of tax on marine fuel for such period.

—Claims paid from.

SEC. 5. Claims submitted pursuant to chapter 82.36 RCW for refund of tax on marine fuel which has been placed in the marine fuel tax refund account shall, if approved, be paid from that account.

Outdoor recreation account.

SEC. 6. There is created the outdoor recreation account in the general fund, in which shall be depos-

ited all monies received from the marine fuel tax refund account pursuant to section 7 of this act, the proceeds of the bond issue authorized by chapter 12, Laws of 1963, Extraordinary Session, and any monies made available to the State of Washington by the federal government for outdoor recreation not specifically designated for another fund or agency.

Created—
Monies
credited to.

SEC. 7. Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the State of Washington shall succeed to the right to such refunds. From time to time, but at least once each biennium, the director of licenses, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of section 3, shall request the state treasurer to transfer to the outdoor recreation account such of the monies in the marine fuel tax refund account as shall not be required for payment of such refund claims or costs, and the state treasurer shall make such transfer.

State succeeds
to right to
refunds—
Transfers
between
accounts.

SEC. 8. Monies transferred to the outdoor recreation account from the marine fuel tax refund account shall be divided into two equal shares and shall be used to benefit watercraft recreation in this state as follows:

Outdoor recre-
ation account
monies, dispo-
sition of—
Limitations.

(a) One share by the state for (1) acquisition of title to, or any interest or rights in, marine recreation land, (2) capital improvement of marine recreation land, or (3) matching funds in any case where federal or other funds are made available on a matching basis for purposes described in (1) or (2);

(b) One share as grants to public bodies to help finance (1) acquisition of title to, or any interests or rights in, marine recreation land, or (2) capital improvement of marine recreation land. The total granted for any project shall not exceed forty per-

Marine Recreation Land Act.

cent of the cost of the project. A public body is authorized to use a grant, together with its own contribution, as matching funds in any case where federal or other funds are made available for purposes described in (1) or (2). The committee may prescribe further terms and conditions for the making of grants in order to carry out the purposes of this act.

—Capital improvement limitation.

SEC. 9. Not more than twenty percent of the monies transferred to the outdoor recreation account from the marine fuel tax refund account shall be used for capital improvement of marine recreation land.

Marine recreation land, limitation on conversion of.

SEC. 10. Marine recreation land with respect to which money has been expended under section 8 of this act shall not, without the approval of the committee, be converted to uses other than those for which such expenditure was originally approved. The committee shall only approve any such conversion upon conditions which will assure the substitution of other marine recreation land of at least equal fair market value at the time of conversion and of as nearly as feasible equivalent usefulness and location.

Interagency committee for outdoor recreation. Created —Members, terms, expenses.

SEC. 11. There is created the interagency committee for outdoor recreation consisting of the commissioner of public lands, the director of parks and recreation, the director of game, the director of fisheries, the director of highways, and the director of commerce and economic development, and, by appointment of the governor, five members from the public at large who have a demonstrated interest in and a general knowledge of outdoor recreation in the state. The terms of members appointed from the public at large shall commence on January 1 of the year of appointment and shall be for three years except in the case of appointments to fill vacancies

which shall be for the remainder of the unexpired term; provided, the first such members shall be appointed for terms as follows: One member for one year, two members for two years, and two members for three years. The governor shall appoint one of the members from the public at large to serve as chairman of the committee for the duration of the member's term. Members employed by the state shall serve without additional pay and participation in the work of the committee shall be deemed performance of their employment. Members from the public at large shall serve without pay, but shall be entitled to reimbursement individually for necessary travel and other expenses incurred in performance of their duties as members of the committee on the same basis as is provided by law for state officials and employees generally.

Sec. 12. Any public body or any agency of state government authorized to acquire or improve public outdoor recreation land which desires funds from the outdoor recreation account shall submit to the committee a six-year plan for developing outdoor recreation facilities within its authority and detailed plans for the projects sought to be financed from the outdoor recreation account, including estimated cost and such other information as the committee may require. The committee shall analyze all proposed plans and projects, and, except as provided in section 14, shall recommend to the governor for inclusion in the budget such projects as it may approve and find to be consistent with an orderly plan for the acquisition and improvement of outdoor recreation lands in the state.

Plans for outdoor facilities—Committee recommendations on.

SEC. 13. When requested by the committee, members employed by the state shall furnish assistance to the committee from their departments for the analysis and review of proposed plans and projects,

State departments to assist committee.

Marine Recreation Land Act.

and such assistance shall be a proper charge against the appropriations to the several agencies represented on the committee.

Appropriation—Limitation on use.

SEC. 14. There is appropriated to the committee from the outdoor recreation account for the period from the effective date of this act through June 30, 1967, the sum of \$4,600,000, consisting of the following sums and for the following purposes:

(a) \$2,000,000 from the funds realized from the sale of the bonds authorized by chapter 12, Laws of 1963, Extraordinary Session, for the purposes set forth therein;

(b) \$1,300,000 from the state share of the monies transferred to the outdoor recreation account from the marine fuel tax refund account, for the purposes set forth for that share in section 8 (a) of this act;

(c) \$1,300,000 from the share of the monies transferred to the outdoor recreation account from the marine fuel tax refund account designated for grants to public bodies, for the purposes set forth for that share in section 8 (b) of this act.

Not more than twenty percent of the total of all monies expended pursuant to (b) and (c) above shall be used for capital improvement of marine recreation land. To carry out the purposes of this act and chapter 12, Laws of 1963, Extraordinary Session, the committee is authorized to allocate funds from this appropriation for projects which it approves and finds to be consistent with an orderly plan for the acquisition and improvement of outdoor recreation lands in the state. State agencies receiving such allocations from the committee may disburse funds for approved projects without further appropriation and the committee may disburse matching grants to public bodies without further appropriation.

SEC. 15. The 1967 and subsequent legislatures shall appropriate funds requested in the budget for state agencies from the outdoor recreation account directly to the state agencies which are to expend such funds, and shall appropriate funds requested in the budget for grants to public bodies from the outdoor recreation account to the committee for allocation and disbursement. Direction to legislature.

SEC. 16. For the period from the effective date of this act through June 30, 1967, there is appropriated to the director of licenses from the general fund the sum of \$50,000 for the purpose of carrying out the provisions of section 3 of this act. Expenditures from this appropriation shall be repaid to the general fund at the direction of the budget director from monies in the marine fuel tax refund account without further appropriation. Appropriation.

SEC. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. Severability.

SEC. 18. This act shall be known and may be cited as the Marine Recreation Land Act of 1964. Short title.

Filed in the office of the Secretary of State January 3, 1964.

Passed by the vote of the people November 3, 1964 at the state general election.

Proclamation signed by the Governor December 3, 1964 declaring measure effective law.

CHAPTER 6.

[House Bill No. 196.]

LEGISLATIVE REAPPORTIONMENT AND
REDISTRICTING.

AN ACT relating to the legislature; providing for the redistricting and reapportionment thereof; repealing chapter 5, Laws of 1957, chapter 289, Laws of 1957, and chapter 44.06 RCW; and declaring an emergency.

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

Legislature—
Redistricting
of. Number of
districts—Pre-
cincts, streets
and other
boundaries.

SECTION 1. For election of members of the legislature, the territory of the state shall be divided into fifty-six legislative districts and forty-nine senatorial districts described in sections 2 through 50 of this act. Precincts, streets, and all other boundaries referred to in this act for purposes of defining the territory of the legislative districts are those precincts, streets, and boundaries as they existed on November 3, 1964. Streets referred to in this act also refer to street rights-of-way as described in the records of the various counties' engineers and to the logical extension or projection of existing streets.

First legislative
district.

SEC. 2. First legislative district—the area in the county of King that is encompassed by the following boundaries: Beginning at the intersection of the King-Snohomish county line and 124th Ave. N.E., proceed south along 124th Ave. N.E., east along N.E. 145th St., south along 140th Ave. N.E., west along N.E. 90th St., north along 116th Ave. N.E., generally west along the northern city limits of the city of Kirkland, north along 98th Ave. N.E., west along N.E. 112th St., generally northwest through Lake Washington, west along N.E. 145th St. and N. 145th St., north along Aurora Ave. N., west along N. 165th St. and N.W. 165th St., north along 8th Ave. N.W., east along N.W. 185th St. and N. 185th St., north along

Greenwood Ave. N., east along the King-Snohomish county line to the point of origin.

SEC. 3.

(1) Legislative district 2-A—the county of Okanogan; Legislative districts, 2-A, 2-B.

(2) Legislative district 2-B—the counties of Pend Oreille, Stevens, and Ferry.

SEC. 4. Third legislative district—the following precincts in the county of Spokane: Ada, Agatha, Alki, Alvin, Barth, Blake, Boyd, Bryan, Burke, Burton, Daisy, Daniel, David, Davis, Dawson, Day, Dayton, Delaware, Detroit, Diana, Dixie, that part of Doak precinct lying west of Fancher Road, Dodd, Dominion, Douglas, Dover, Drumheller, Dunn, Dwight, Eagle, East Hillyard, Echo, Eden, Edison, Edith, Edwards, Eldorado, Elgin, Eli, Ellen, Ellwood, Emerald, Emerson, Ensign, Erie, Ernie, Ermina, Essex, Ethel, Euclid, Eureka, Evans, Exchange, Riverside, Spokane 1 through 6, Spokane 8, 307, 309 through 312, 314, 315, 324, that part of 360 lying west of Lee St., 364, 365, 601, 724. Third legislative district.

SEC. 5. Fourth legislative district—the following precincts in the county of Spokane: Abigail, Acme, Adolph, Advance, Airport, Albert, Allen, Andrew, Arrow, Ashley, Atlanta, Carnhope, that part of Chester No. 1 precinct lying north of 32nd Ave., Dishman, that part of Doak precinct lying east of Fancher Road, East Spokane, Edgecliff 1 and 2, Evergreen 1 through 3, Fancher, Foothills, Friedland, that part of Glenrose precinct lying north of 44th Ave., Irvin, Kokomo, Marita, Millwood, Opportunity 1 through 6, Orchard 1 through 3, Pasadena, Pleasant Prairie, Raymond, Trentwood, University, Vera 1, that part of Vera 3 lying west of Sullivan Road, Woodruff 1 and 2, that part of 360 precinct lying east of Lee St., 362, 359, 413, 414, 422, 423, 439, 440. Fourth legislative district.

SEC. 6.

Legislature—
Redistricting
of Legislative
districts,
5-A, 5-B.

(1) Legislative district 5-A—the following precincts in the county of Spokane: 501 through 507, 510, 517 through 521, that part of 523 precinct lying north of Rowan Ave., that part of 524 precinct lying north of Rowan Ave., 525, 531, 536, 542, 543, 546, that part of 547 lying east of Assembly St., that part of 556 precinct lying north of Rowan Ave., 557, 561, 562, that part of Linwood 2 precinct lying east of Division St., Wells, that part of Whitworth 1 precinct lying east of Division St., that portion of Whitworth 3 precinct lying south of Hawthorne Road and E. Hawthorne Road.

(2) Legislative district 5-B—the following precincts in the county of Spokane: 511 through 516, 522, that part of 523 precinct lying south of Rowan Ave., that part of 524 precinct lying south of Rowan Ave., 526 through 530, 532 through 535, 537 through 541, 544, 545, that part of 547 precinct lying west of Assembly St., 549, that part of 556 precinct lying south of Rowan Ave., 559, that part of Five Mile precinct lying south of Strong Road, Linwood 1, that part of Linwood 2 precinct lying west of Division St.

Sixth legisla-
tive district.

SEC. 7. Sixth legislative district—the following precincts in the county of Spokane: Abbott, Acorn, Alameda, Alice, Amber, Anne, Anthony, Archer, Arizona, Arthur, Astor, Baker, Baldwin, Belmont, Belt, Bernard, Bertha, Blaine, Bolster, Brickell, Butler, Byrne, Cheney 1 through 4, that part of Chester 1 precinct lying south of 32nd Ave., Chester 2, Corbin, Duncan, East Marshall, Fairfield, Freeman, that portion of Glenrose precinct lying south of 44th Ave., Greenacres, Latah, Liberty Lake, Marshall, Mica, Moab, Moran, Mt. Hope, Otis, Pines, Pioneer, Plaza, Rock Creek Valley, Rockford, Rudolf, South Moran, South Spangle, Spangle, Terrace, Valleyford, that part of Vera 1 precinct lying east of Sullivan Road, Vera 2, Waverly, 444, 445, 446, 621 through 624, 628,

629, 631, 633 through 637, 642 through 644, 649, 650, 652, 654, 655.

SEC. 8. Seventh legislative district—the following precincts in the county of Spokane: Airway Heights, Cannon, Carleton, Carlisle, Carrie, Cass, Charlotte, Chattaroy, Clara, Clay, Cleveland, Clough, Colbert, Conklin, Cora, Cowley, Custer, Deep Creek, Deer, Deer Park North, Deer Park South, Della, Denison, Derby, Dewey, Dexter, Dillon, Doland, Dora, Dyer, East Chattaroy, Elk, Espanola, that part of Five Mile precinct lying north of Strong Road, Four Lakes, Garden Springs, Green Bluff, Mead, Medical Lake 1 and 2, Milan, Mt. Spokane, Newman Lake, Linwood 3, Nine Mile, North Colbert, Peone, Rimrock, Spence, Stevens, Wayside, that part of Whitworth 1 precinct lying west of Division St., Whitworth 2, that part of Whitworth 3 precinct lying north of Hawthorne Road and East Hawthorne Road, 715 through 723, 725 through 728, Daniel.

Seventh legislative district.

SEC. 9.

(1) Legislative district 8-A—the following precincts in the county of Yakima: Grandview Town 1 through 6, Granger, Mabton Town, Mabton Rural, North Grandview, Orchardvale, Grandview Central, South Grandview, Sunnyside Town 81 through 83, 5 through 7, 104, 129, Sunnyside Rural 1 through 4, Toppenish Rural No. 1, Waneta, Wendell Phillips, East Granger, Alfalfa, Belma, Byron, Glade, White Swan, that part of Toppenish Rural 3 lying south of the line separating Township 9 North and Township 10 North.

Legislative districts, 8-A, 8-B.

(2) Legislative district 8-B—the area in the county of Benton that is encompassed by the following boundaries: Beginning at the intersection of the center line of the Columbia River and the line separating Township 7 North and Township 8 North,

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ing of

proceed west, north and then generally east along the southern, western and then northern boundaries of legislative district 16-A as described in section 17 (1) of this act, generally north and west along the center line of the Columbia River, south along the Benton-Yakima and Benton-Klickitat county lines, generally east and north along the center line of the Columbia River to the point of origin.

SEC. 10.

Legislative dis-
tricts, 9-A, 9-B.

(1) Legislative district 9-A—the county of Whitman;

(2) Legislative district 9-B—the counties of Lincoln and Adams.

Tenth legisla-
tive district.

SEC. 11. Tenth legislative district—the county of Island, and the following precincts in the county of Kitsap: Bredablik 1 & 2, Bremerton 31, 32, 34 through 36, 41, 42, 46, 47, 50 through 52, 54, 61 through 63, Brownsville 1 & 2, Clear Creek, East Perry, East Silverdale, Ferncliff, Gilberton, Highland, Illahee, Indianola, Island Center 1 & 2, Keyport 1 & 2, Kingston, Lemolo, Liberty, Liberty Bay, Lincoln, Manette, North Tracyton, North Trenton, Olympic, Olympus Drive, Pearson, Petersville, Pleasant Beach 1 & 2, Point No Point, Port Blakely, Port Gamble, Port Madison, Poulsbo 1 through 3, Poulsbo Heights, Rolling Bay 1 & 2, Seabold 1 & 2, Sheridan, South Kingston, South Tracyton, Suquamish 1 & 2, Tracyton, Winslow 1 & 2.

Legislative
district 11-A.

SEC. 12. (1) Legislative district 11-A—the counties of Asotin, Columbia and Garfield, and the following precincts in Walla Walla county: Alderbrook, Baker, Blalock, Burbank, Clyde, Dixie, East Waitsburg, Eureka, Frenchtown, Gardena, Gose, Haas, Hadley, Hill, Lincoln, Lower Dry Creek, Mill Creek, Prescott, Russell Creek, Valley Homes, Wal-lula, Washington and West Waitsburg; and (2) Legislative district 11-B—all precincts within the city

of Walla Walla and the following precincts in the county of Walla Walla: Abbott, Beck, Berney, Braden, College Place 1 through 8 inclusive, Darry, Finch, Garrison, Prospect Point, Ritz, Stone and Twin Grove.

SEC. 13. Twelfth legislative district—the counties of Chelan and Douglas. Twelfth legislative district.

SEC. 14. Thirteenth legislative district—the counties of Grant and Kittitas. Thirteenth legislative district.

SEC. 15. Fourteenth legislative district—the following precincts in the county of Yakima: Yakima 1 through 30, 33, 34, 38 through 40, 43, 44, 46, 49 through 51, 58 through 60, 63 through 66, Gleed, Harwood, Leamingburg, Lower Wenas, Naches City, Naches Heights, Nile, Selah Town 76, 134, 151, Selah Central, Selah Extension, Selah Heights, Tampico, East Tieton, Upper Wenas, West Naches, that part of West Nob Hill precinct lying west of Glenside Ave., Westview, Wide Hollow, Wiley City, West Tieton, Cascade, Cottonwood, South Cowiche, East Fruitvale, Growmore, North Cowiche, Selah Rural, Sumach, Englewood, East Naches, East Selah, East Summitview, Eschbach, Fairgrounds, West Fruitvale, Castlevale, Sunset, Glenwood, Fairview, Jefferson. Fourteenth legislative district.

SEC. 16. Fifteenth legislative district—the following precincts in the county of Yakima: East Ahtanum, Harrah, Holland, Liberty, McKinley, Moxee City, Moxee Rural, North Buena, Outlook, Parker Heights, Roza, Terrace Heights, Toppenish Town 1 through 7, Toppenish Rural 2, Union Gap Town 1 through 3, Wapato Town 3, 100 through 102, 131, West Ahtanum, West Parker, West Wapato, Zillah Town, Brownstown, Buena, South Broadway, East Moxee, Bradshaw, Slavin, Old Town, East Wapato, East Zillah, Country Club, Yakima 31, 32, 35 through Fifteenth legislative district.

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Redistricting
of.

37, 41, 42, 45, 47, 48, 52 through 57, 61, 62, 65, 67, South Nob Hill, Riverside, that part of West Nob Hill precinct lying east of Glenside Ave., Airport, that part of Toppenish Rural 3 lying north of the line separating Township 9 North and Township 10 North.

SEC. 17.

Legislative
districts,
16-A, 16-B.

(1) Legislative district 16-A—the area in the county of Benton that is encompassed by the following boundaries: Beginning at the intersection of the center line of the Columbia River and the line separating Township 7 North and Township 8 North, proceed west along the line separating Township 7 North and Township 8 North, north along the line separating Range 28 East and Range 29 East, west along the line separating Township 8 North and Township 9 North, north along the line separating Range 27 East and Range 28 East, east along an extension of the line separating Section 7 and Section 18 in Township 9 North to its intersection with the center line of the Yakima River, thence along the center line of the Yakima River to its intersection with a straightline extension of Swift Boulevard, east along Swift Boulevard, north along Thayer Drive, east along Williams Blvd., north along George Washington Way, east along Van Giesen St., generally southeast along the center line of the Columbia River to the point of origin.

(2) Legislative district 16-B—the county of Franklin.

Seventeenth
legislative
district.

SEC. 18. Seventeenth legislative district — the counties of Klickitat and Skamania, and the following precincts in the county of Clark: Alpine, Battle Ground North, Battle Ground South, Camas 101 through 114, Cedar Creek, Charter Oak, Chelatchie, Columbia West, English, Fern Prairie East, Fern Prairie West, Gibbons, Haagen, Hall, Hayes, Heisson,

La Center, Lackamas North, Lackamas South, Lewisville, Lockwood Creek, Manor, Meadow Glade, Mt. View, Norway, Pioneer, Paradise Point, Proebstel, Russel, Skye, Twin Falls, Washougal "A" through "F", Woodburn, Yacolt, Baker, Bliss, Brush Prairie, Daybreak, Enterprise, Fishers, Gee Creek, Glenwood Heights, Greeley, Lamb, Miller, Ridgefield North, Ridgefield South, Whipple Creek, 6-85, 6-90, 6-95.

SEC. 19. Eighteenth legislative district—the counties of Cowlitz and Wahkiakum.

Eighteenth legislative district.

SEC. 20. Nineteenth legislative district—the county of Pacific, and the county of Grays Harbor except that part lying south of the line separating Township 18 North and Township 19 North and east of an extension of the line separating Section 3 and Section 4 in Range 7 West.

Nineteenth legislative district.

SEC. 21. Twentieth legislative district—the county of Lewis, and that part of the county of Grays Harbor lying south of the line separating Township 18 North and Township 19 North and east of an extension of the line separating Section 3 and Section 4 in Range 7 West.

Twentieth legislative district.

SEC. 22. Twenty-first legislative district—the following precincts in the county of Snohomish: Ash, Berry, Brier, Canyon, Chase, Cherry, Crest, Crystal Spring, Cypress, Dale, Edmonds 1 through 39, Firdale, Forshee, Freeway, Gate, Glen, Hadley, Hilltop, Holly, Hunt, Kenmore, Larch, Locust, Lund, Lynncrest, Lynnwood 1 through 14, Magnolia, Maltby, Maple, Meadowdale, Morris, Mountlake Terrace 1 through 16, Nelson, Nolyn, North Alderwood, Omdal, Park, Perrin, Radar, Ridge, Rob, Russet, Seattle Heights, Shelby, Snoline, South Alderwood, Spruce, Summit, Vine, Wood, Woodway 1 & 2, Yost.

Twenty-first legislative district.

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Redistricting
of. Twenty-
second district.

SEC. 23. Twenty-second legislative district—the county of Thurston.

Twenty-third
legislative
district.

SEC. 24. Twenty-third legislative district—the following precincts in the county of Kitsap: Annapolis 1 & 2, Bangor, Bayview, Bethel 1 through 3, Bremerton 2 through 30, 33, 37 through 40, 44, 45, 48, 53, 55 through 60, Bremerton Heights, Burley, Carter, Charland, Chico, Colby, Crosby, Davis 1 through 3, Erlands Point 1 & 2, Fernwood, Forest Ridge, Fragaria, Glenwood, Gorst 1 through 3, Harper, Hillcrest, Holly, Kitsap Lake 1 through 3, Long Lake, Manchester, Manchester Heights, Navy Yard City 1 through 4, North Silverdale, Olalla, Phinney Bay, Port Orchard 1 through 7, Rocky Point 1 & 2, Seabeck, Shorewood Drive, Sidney, South Colby, Sunnyslope, Twin Lakes, Veterans 1 & 2, Waterman, West Silverdale.

Twenty-fourth
legislative
district.

SEC. 25. Twenty-fourth legislative district — the counties of Clallam, Mason, and Jefferson.

Twenty-fifth
legislative
district.

SEC. 26. Twenty-fifth legislative district—the area in the county of Pierce that is encompassed by the following boundaries: Beginning at the intersection of the Pierce-King county line and 122nd Ave. E., proceed generally east along the Pierce-King county line, generally south along the Pierce-Yakima county line, west along the line separating Township 17 North and Township 18 North, north along Lundblad Rd., west along Collins Rd., and 128th St. E., north along McKinley Ave., west along 96th St. E., north along E. “D” St., east along 72nd Ave. E., north along E. “L” St., east along the Freeway, southeast along the center line of the Puyallup River, north along 70th Ave. E., southeast along the C. M. St. P. & P. Railroad right of way, north along 122nd Ave. E. to the point of origin.

Twenty-sixth
legislative
district.

SEC. 27. Twenty-sixth legislative district—the area in the county of Pierce that is encompassed by

the following boundaries: Beginning at the intersection of the Pierce-King county line with Puget Sound, proceed southeast along the Pierce-King county line, south along the eastern city limits of the city of Tacoma, west along E. 17th St., northwest along the Port of Tacoma Rd., southwest and west along E. 11th St. and S. 11th St., north along Broadway St., northwest along St. Helens Ave., southwest along Division Ave., south along Sprague Ave., west along South 9th St., north along Puget Sound Ave., west along 6th Ave., south along Shirley St., west along the southern city limits of the city of Tacoma, north along the center line of the Day Island Waterway, generally south along the line of lowest tide of the eastern shore of Puget Sound, excluding Ketron Island, north along the Pierce-Thurston county line and the Pierce-Mason county line, east along the Pierce-Kitsap county line, generally south and east through the waters of Puget Sound to the point of origin.

SEC. 28. Twenty-seventh legislative district—the area in the county of Pierce that is encompassed by the following boundaries: Beginning at the intersection of the Pierce-King county line and the eastern city limits of the city of Tacoma, south and west along the southern boundary of the 26th legislative district as described in section 27 of this act, east along S. 19th St., south along Monroe St., east along S. 35th St., south along Union Ave., east along S. 40th St. and E. 40th St., south along E. "B" St., east 72nd St. E., north and east along the western and northern boundaries of the 25th legislative district as described in section 26 of this act, west and northwest along the Pierce-King county line to the point of origin.

Twenty-seventh legislative district.

SEC. 29. Twenty-eighth legislative district—the area in the county of Pierce that is encompassed by

Twenty-eighth legislative district.

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of.

the following boundaries: Beginning at the intersection of the center line of the Day Island Waterway with the southern city limits of the city of Tacoma, proceed east along the southern city limits of the city of Tacoma, east along S. 19th St., south along Monroe St., east along S. 35th St., south along Union Ave., east along S. 40th St. and E. 40th St., south along E. "B" St., west along E. 46th St. and S. 46th St., south along Sheridan Ave., west along S. 47th St., south along the Freeway, west along S. 50th St., south along Pine St., west along S. 56th St., south and east along the western and southern city limits of the city of Tacoma, south along Sprague Ave., west along 112th St., generally west and then generally south along the northern and western boundaries of McChord Air Force Base, generally east along the northern boundary of American Lake Gardens, generally west along the northern boundary of Fort Lewis Military Reservation, north along 103rd Ave. S.W., northwest along Military Road, generally north and west along the eastern and northern city limits of the city of Steilacoom, north along the line of lowest tide of the eastern shore of Puget Sound, south along the center line of the Day Island Waterway to the point of origin.

Twenty-ninth
legislative
district.

SEC. 30. Twenty-ninth legislative district—the area in the county of Pierce that is encompassed by the following boundaries: Beginning at the intersection of E. "B" St. and E. 46th St., proceed west on E. 46th St., west, southwest and northwest along the eastern and southern boundaries of the 28th legislative district as described in section 29 of this act, generally south, including Ketron Island, along the line of lowest tide of the eastern shore of Puget Sound, generally southeast along the Pierce-Thurston county line, generally east along the Pierce-Lewis county line, generally north along the Pierce-Yakima county line, west and north along the south-

ern and western boundaries of the 25th legislative district as described in section 26 of this act, west along 72nd St. E., north along E. "B" St. to the point of origin.

SEC. 31. Thirtieth legislative district—the area in the county of King that is encompassed by the following boundaries: Beginning at the intersection of 32nd Ave. S. and the King-Pierce county line, proceed north along 32nd Ave. S., west along S. 360th St., north along 28th Ave. S., northeast along the Auburn-Interchange, generally north and east along the western and northern city limits of the city of Auburn, north along 88th Ave. S., generally east and then north along the southern city limits of the city of Kent, east along S. 260th St., north along 108th Ave. S.E., east along S.E. 204th St., north along 116th Ave. S.E., west along S.E. 180th St. and S. 180th St., south, west and then north along the southern city limits of the city of Tukwila, west along S. 172nd St., north and west along the eastern boundary of the Seattle-Tacoma Airport, west along S. 160th and S.W. 160th St., north through Puget Sound, south and east through the Colvos and Dalco Passages, encompassing Vashon and Maury Islands, southeast along the King-Pierce county line to the point of origin.

Thirtieth
legislative
district.

SEC. 32. Thirty-first legislative district—the area in the county of King that is encompassed by the following boundaries: Beginning at the intersection of Puget Sound and S.W. 160th St., proceed east along S.W. 160th St. and S. 160th St., north along 16th Ave. S., west along S. 136th St. and S.W. 136th St., north along 1st Ave. S., west along S.W. Webster St., north along 35th Ave. S.W., west along S.W. Morgan St., south through Puget Sound to the point of origin.

Thirty-first
legislative
district.

Legislature—
Redistricting
of Legislative
districts,
32-A, 32-B.

SEC. 33.

(1) Legislative district 32-A—the area in the county of King that is encompassed by the following boundaries: Beginning at the intersection of the center line of the Lake Washington Canal and 15th Ave. N.E., proceed generally west through the Lake Washington Canal, Portage Bay, and Lake Union, north along 1st Ave. N.E., east along N.E. 50th, north along Roosevelt Way N.E., southeast along Ravenna Blvd., south along 15th Ave. N.E., east along N.E. 52nd St., north along 20th Ave. N.E., east along N.E. 68th, south along 45th Ave. N.E., west along N.E. 55th St., south along 30th Ave. N.E., west along N.E. 45th, south along 15th Ave. N.E., to the point of origin.

(2) Legislative district 32-B—the area in the county of King encompassed by the following boundaries: Beginning at the intersection of North 40th and 1st Ave. N.E., proceed south to Lake Union, generally southerly and westerly through Lake Union, west along Florentia St. and W. Florentia St., south along 3rd Ave. W., west along W. Barrett St., north along 7th Ave. W., west along W. Dravus St., north along 11th Ave. W., northwest along the center line of the Salmon Bay Waterway, northeast along N.W. Dock Place, east along N.W. 51st St., north along 15th Ave. N.W., east along N.W. Market St., north along 14th Ave. N.W., east along N.W. 57th St., north along 8th Ave. N.W., east along N.W. 60th St. and N. 60th St., north along Greenwood Ave. N., east along N. 64th St., north along Woodland Place N., east along N. 65th St., generally southeast along the western shore line of Green Lake, south along the extension of Green Lake Way N. into Green Lake, south along Green Lake Way N., east along N. 50th and N.E. 50th, south along 1st Ave. N.E. to the point of beginning.

SEC. 34. Thirty-third legislative district—the area in the county of King that is encompassed by the following boundaries: Beginning at the intersection of the outer harbor line of the western shore of Lake Washington and S. Lake Way, proceed west along S. Lake Way, north along 31st Ave. S., west along E. Yesler Way, south along 15th Ave. S., south along Rainier Ave. S., west along S. Dearborn St., south along the Freeway, east and then south along Columbian Way, south along 15th Ave. S., southeast along the Freeway, east along S. Trenton St., north along Rainier Ave. S., east along S. Webster Street, generally north along the outer harbor line of the western shore of Lake Washington to the point of origin.

Thirty-third
legislative
district.

SEC. 35. Thirty-fourth legislative district—the area in the county of King that is encompassed by the following boundaries: Beginning at the intersection of the outer harbor line of Elliott Bay and Yesler Way, proceed east along Yesler Way, northeast along James St., north along Broadway, east along E. Cherry St., south along 15th Ave. S., generally south along the western boundary of the 33rd legislative district as described in section 34 of this act, west along S. Webster St. and S.W. Webster St., north along 35th Ave. S.W., west along S.W. Morgan St., generally north and then generally east along the outer harbor line of Puget Sound and Elliott Bay to the point of origin.

Thirty-fourth
legislative
district.

SEC. 36. Thirty-fifth legislative district—the area in the county of King that is encompassed by the following boundaries: Beginning at the intersection of the outer harbor line of the western shore of Lake Washington and S. Webster St., proceed west along S. Webster St., south along Rainier Ave. S., west along S. Trenton St., northwest along the Freeway, west along S. Webster St. and S.W. Webster St.,

Thirty-fifth
legislative
district.

Legislature—
Redistricting
of.

generally south along the eastern boundary of the 31st legislative district as described in section 32 of this act, south along 16th Ave. S., east along S. 170th St., south and east along the eastern boundary of the Seattle-Tacoma Airport, east along S. 172nd St., generally north along the western boundary of the city of Tukwila, north along 42nd Ave. S., east along S. 122nd St., southeast along the Great Northern Railroad right of way, east along S. 128th St., north along 84th Ave. S., southwest along the outer harbor line of the southern and western shore of Lake Washington to the point of origin.

Thirty-sixth
legislative
district.

SEC. 37. Thirty-sixth legislative district—the area in the county of King that is encompassed by the following boundaries: Beginning at the intersection of the outer harbor line of Shilshole Bay and the center line of the Salmon Bay Waterway, proceed generally southeast along the center line of the Salmon Bay Waterway, south and east along the western and southern boundaries of legislative district 32-B as described in section 33-(2) of this act, south through the center of Lake Union, south along Waterway No. 3 and the logical extension of the same to Westlake Ave. N., south along Westlake Ave. N., west along Denny Way, southwest along Wall St., northwest along 4th Ave., west along Denny Way, except that unpopulated area known as the Seattle Civic Center, generally northwest along the outer harbor line of Elliott Bay, Puget Sound, and Shilshole Bay to the point of origin.

Thirty-seventh
legislative
district.

SEC. 38. Thirty-seventh legislative district—the area in the county of King that is encompassed by the following boundaries: Beginning at the intersection of the outer harbor line of Elliott Bay and Denny Way, proceed east along the southern boundary of the 36th legislative district as described in section 37 of this act, southeast along 4th Ave., north-

east along Wall Street, east along Denny Way, southwest along Bell Street, southeast along 3rd Ave., northeast along Pike Street, south along Minor, east along Union, north along Summit Avenue and Summit Avenue East, east along East Republican, north along East Broadway, east along East Aloha Street, south along 22nd Avenue East, east along East Thomas St., north along 34th Ave. East, east along East Mercer Street, generally south along the outer harbor line of the west shore of Lake Washington, generally west along the northern boundary of the 33rd legislative district as described in section 34 of this act, north along 15th Ave., west along the northern boundary of the 34th legislative district as described in section 35 of this act, generally north along the outer harbor line of Elliott Bay to the point of origin and that unpopulated area known as the Seattle Civic Center.

SEC. 39. Thirty-eighth legislative district—the following precincts in the county of Snohomish: Alicia, Cascade, Center, Dakota, Eastmont, East Shore, Emander, Fernwood, Field, Hilton Lake, Hi-Way, Intercity, Jeff, Kennyard, Manor, Manordale, Martha Lake, Meridian, Mukilteo, Rivercrest, Serene, Shore, Silver Lake, Stickney, Thomas Lake, Ward, Wilson, Everett City 1 through 103.

Thirty-eighth
legislative
district.

SEC. 40. Thirty-ninth legislative district—the following precincts in the county of Snohomish: Allen Creek, Alma, Arlington 1 through 5 inclusive, Armstrong, Bear Creek, Bee, Bly, Boeing, Boulder, Bryant, Cathcart, Cedarhome, Clearview, Cliff, Darrington, Davies, East Everett, Ebey, Edgecomb, Elwood, Fir, Florence, Fortson, Getchell, Glenwood, Gold Bar, Granite Falls, Gregory, Hartford, Hazel, Highland, Howell, Index, Jim Creek, Kruse, Lake, Lake Cassidy, Lake Goodwin, Lake Stevens 1 and 2, Lakeview, Lakewood, Lochsloy, Loma, Ludwig,

Thirty-ninth
legislative
district.

Legislature—
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of.

Machias, Marion, Marsh, Marysville 1 through 7 inclusive, McDougall, Millard, Milton, Minor, Monroe 1 through 3 inclusive, Moran, Newberg, Norden, Norm, Norman, Olney, Oso, Outlook, Park Place, Pearson, Port Susan, Priest Point, Quil, Rainier, Riverview, Robe, Robin, Roosevelt, Sauk, Sexton, Shorts, Shoultes, Silvana, Sparlin, Skykomish, Skyline, Snohomish 1 through 9 inclusive, South Lake Stevens, South Snohomish, Stanby, Stanwood 1 and 2, Stitch, Sultan 1 and 2, Sultan River, Sunnyside, Thomas Lake, Three Lakes, Trafton, Trail, Tualco, Tulalip, Tyee, Union, Valley, Vernon, Village, Wallace, Welangdon, Winter Lake, and Whaleback.

Fortieth legis-
lative district.

SEC. 41. Fortieth legislative district—the counties of San Juan and Skagit.

Forty-first
legislative
district.

SEC. 42. Forty-first legislative district—the area in the county of King that is encompassed by the following boundaries: Beginning at the intersection of the northern city limits of the city of Renton with the eastern waters of Lake Washington, proceed generally southeast along the northeastern city limits of the city of Renton, east along S.E. 96th St., north along 136th Ave. S.E. and 134th Ave. S.E., and 133rd Ave. S.E., east along S.E. 68th St., north along 144th Ave. S.E., east along S.E. 48th St., north along 148th Ave. S.E. and 148th Pl. S.E. and 150th Ave. S.E., west along Newport Way, north along 132nd Ave. S.E., east along the Sunset Highway, north along 166th Ave. S.E., east along S.E. 30th St., southeast through Lake Sammamish, south along 196th Ave. S.E., generally southwest along the Renton-Issaquah Road, south along 164th Ave. S. E., west along S.E. 248th St., south along 148th Ave. S.E., southwest along Primary State Highway No. 18, generally south along the eastern city limits of the city of Auburn, southeast along the Auburn-

Enumclaw Road, southwest along the Bonneville Power Adm. transmission right of way, generally east along the King-Pierce county line, generally north along the King-Kittitas county line, west along an extension of the line separating Section 13 and Section 24 in Township 23 North, north along the line separating Range 6 E. and 7 E., west along N.E. 50th St., south and then southwest along the Redmond-Bellevue Road, generally south along the eastern city limits of the city of Bellevue, south along 116th Ave. S.E., south along the Mercer Slough, west along Sunset Highway, north along 108th Ave. S.E., west along the southern boundary of Beauv Arts, northwest through the eastern waters of Lake Washington, south through the western waters of Lake Washington, encompassing Mercer Island, north through the eastern waters of Lake Washington to the point of origin.

SEC. 43. Forty-second legislative district—the county of Whatcom. Forty-second legislative district.

SEC. 44. Forty-third legislative district—the area in the county of King that is encompassed by the following boundaries: Beginning at the intersection of the outer harbor line of the west shore of Lake Washington and N.E. 65th St., proceed west along N.E. 65th St., south and west along the eastern and southern boundaries of legislative district 32-A as described in section 33-(1) of this act, generally south along the eastern boundary of the 36th legislative district as described in section 37 of this act, generally east along the northern boundary of the 37th legislative district as described in section 38 of this act, generally north through Lake Washington to the point of origin. Forty-third legislative district.

SEC. 45. Forty-fourth legislative district—the area in the county of King that is encompassed by the following boundaries: Beginning at the inter- Forty-fourth legislative district.

Legislature—
Redistricting
of.

section of Puget Sound and the King-Snohomish county line, proceed east along the King-Snohomish county line, generally south along the western boundary of the 1st legislative district as described in section 2 of this act, west along N. 145th St., south along Aurora Ave. N., west along N. 115th St. and N.W. 115th St., south along 8th Ave. N.W., generally southwest along the northern and western boundaries of legislative district 32-B as described in section 33(2) of this act, generally northwest along the center line of the Salmon Bay Waterway, generally north through Shilshole Bay and Puget Sound to the point of origin.

Forty-fifth
legislative
district.

SEC. 46. Forty-fifth legislative district—the area in the county of King that is encompassed by the following boundaries: Beginning at the intersection of N. 145th St., and Fremont N., proceed generally south along the eastern boundary of the 44th legislative district as described in section 45 of this act, generally east along the northern boundaries of legislative district 32-B and then legislative district 32-A as described in section 33 of this act, north along Roosevelt Way N.E., west along N.E. 75th St., north along 8th Ave. N.E., west along N.E. 85th St., north along 5th Ave. N.E., west along N.E. 100th St., north along the Freeway, west along N.E. 145th St. and N. 145th St. to the point of origin.

Forty-sixth
legislative
district.

SEC. 47. Forty-sixth legislative district—the area in the county of King that is encompassed by the following boundaries: Beginning at the intersection of the outer harbor line of the western shore of Lake Washington and N.E. 145th St., proceed west along N.E. 145th St., generally south along the eastern boundary of the 45th legislative district as described in section 46 of this act, generally east and then south along the northern and eastern boundaries of legislative district 32-A as described in section 33(1)

of this act, east along N.E. 65th St., generally north along the outer harbor line of the western shore of Lake Washington to the point of origin.

SEC. 48. Forty-seventh legislative district—the area in the county of King encompassed by the following boundaries: Beginning at the intersection of the northern city limits of the city of Renton with the eastern waters of Lake Washington, proceed generally east, then north, then east, then south along the western boundary of the 41st legislative district as described in section 42 of this act, west along the King-Pierce county line, generally north and then west along the eastern and northern boundaries of the 30th legislative district as described in section 31 of this act, generally north along the western city limits of the city of Tukwila, generally east and then north along the southern and eastern boundaries of the 35th legislative district as described in section 36 of this act, north through the southern and eastern waters of Lake Washington to the point of origin.

Forty-seventh
legislative
district.

SEC. 49. Forty-eighth legislative district—the area in the county of King that is encompassed by the following boundaries: Beginning at the intersection of the southern boundary of Beaux Arts and the eastern waters of Lake Washington, proceed northeast, south, and then east along the northern boundary of the 41st legislative district as described in section 42 of this act, north along the King-Kittitas and King-Chelan county lines, west along the King-Snohomish county line, generally south and then west along the eastern and southern boundaries of the 1st legislative district as described in section 2 of this act, south through the eastern waters of Lake Washington to the point of origin.

Forty-eighth
legislative
district.

SEC. 50. Forty-ninth legislative district—the following precincts in the county of Clark: Clyde, Con-

Forty-ninth
legislative
district.

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of.

nor, Elkins, Fruit Valley, Sifton North, Sifton South, Vancouver 163 through 235, 5-00, 5-05, 5-10, 5-15, 5-20, 5-25, 5-30, 5-35, 5-40, 5-45, 5-50, 5-55, 5-60, 5-65, 5-70, 5-75, 5-80, 5-85, 5-90, 5-95, 5-100, 5-105, 5-110, 5-115, 5-120, 5-125, 5-130, 5-135, 5-140, 5-145, 5-150, 5-155, 5-160, 5-165, 5-170, 5-175, 5-180, 5-185, 5-190, 5-195, 6-00, 6-05, 6-10, 6-15, 6-20, 6-25, 6-30, 6-35, 6-40, 6-45, 6-50, 6-55, 6-60, 6-65, 6-70, 6-75, 6-80.

Senatorial
districts—
Senate
membership.

SEC. 51. The Senate shall consist of forty-nine members, one of whom shall be elected from each senatorial district. Each legislative district except 2-A, 2-B, 5-A, 5-B, 8-A, 8-B, 9-A, 9-B, 11-A, 11-B, 16-A, 16-B, 32-A and 32-B shall compose a senatorial district. Legislative district 2-A shall be combined with legislative district 2-B to form the second senatorial district; legislative district 5-A shall be combined with legislative district 5-B to form the fifth senatorial district; legislative district 8-A shall be combined with legislative district 8-B to form the eighth senatorial district; legislative district 9-A shall be combined with legislative district 9-B to form the ninth senatorial district; legislative district 11-A shall be combined with legislative district 11-B to form the eleventh senatorial district; legislative district 16-A shall be combined with legislative district 16-B to form the sixteenth senatorial district; legislative district 32-A shall be combined with legislative district 32-B to form the thirty-second senatorial district.

Senators—
Election of in
1966 for two or
four year
terms—Terms
thereafter.

SEC. 52. Of the senators provided for in this act, one senator shall be elected from each of the following senatorial districts created by this act at the general election to be held on the first Tuesday after the first Monday in November, 1966, and every four years thereafter, for a term of four years: 6, 7, 8, 13, 15, 21, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 42, 43, 44, 45, 46, 47, 48; and one senator shall be elected for the

second senatorial district created by this act at the general election to be held on the first Tuesday after the first Monday in November, 1966, for a term of two years, and at the general election to be held on the first Tuesday after the first Monday in November, 1968, and every four years thereafter, for a term of four years. A senator shall be elected from each of the other senatorial districts created by this act at the general election to be held on the first Tuesday after the first Monday in November, 1968, and every four years thereafter, for a term of four years.

SEC. 53. The House of Representatives shall consist of ninety-nine members, two of whom shall be elected from each legislative district, except that one representative shall be elected from the 2-A, 2-B, 5-A, 5-B, 8-A, 8-B, 9-A, 9-B, 11-A, 11-B, 16-A, 16-B, 32-A and 32-B legislative districts, and three representatives shall be elected from the 42nd legislative district.

House of Representatives.
Number of members for each district.

SEC. 54. The representatives provided for in this act shall be elected from the legislative districts created by this act at the general election to be held on the first Tuesday after the first Monday in November, 1966, and every two years thereafter, each for a term of two years.

—All members elected in 1966—Terms.

SEC. 55. The term of office of each senator and representative elected after the effective date of this act shall commence on the second Monday in January following the date of election.

Legislative terms, commencement of.

SEC. 56. The intent of sections 2 through 50 of this act is to include all of the territory of the state in the fifty-six legislative districts and forty-nine senatorial districts created by this act, whether or not such territory has been encompassed within the boundaries of precincts or areas specifically mentioned herein. If any territory of the state is not included

Disposition of territory otherwise omitted—If territory in two or more districts.

Legislature—
Redistricting
of.

within precincts or areas specifically mentioned herein, such territory shall be assigned to a legislative district as follows: (1) If such territory be completely surrounded by territory embraced within a given legislative district, such territory shall be and become a part of such district; (2) If such territory shall not be thus surrounded but shall adjoin one or more legislative districts, such territory shall be and become a part of the adjoining district having the smallest number of inhabitants. If any territory which has been specifically mentioned is embraced within two or more legislative districts, such territory shall be and become a part of the adjoining district having the smallest number of inhabitants, and shall not be part of the other district or districts. The 1960 United States census shall be used for determining the number of inhabitants under this act. If any territory has been specifically mentioned as embraced within a given legislative district but is in fact separated from such district by territory of one or more other districts, such territory shall be assigned as though it had not been included within a district specifically mentioned herein.

Repeal—
Savings.

SEC. 57. Chapters 5 and 289 of the Laws of 1957 and chapter 44.06 RCW are each repealed, except that this act shall not affect the thirty-ninth legislature or the terms of its members, and except that the terms of each senator elected at the 1964 general election for a new term commencing January 11, 1965 shall continue until the second Monday in January, 1969.

Legislative
directive—
Severability.

SEC. 58. If the inclusion in this act of any set or sets of separate legislative districts within a senatorial district or districts shall render this act invalid, the whole senatorial district or districts shall be treated as a legislative district or districts with two representatives and without separate legislative dis-

tricts. If any other 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.

SEC. 59. This act is necessary for the immediate Emergency. preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 26, 1965.

Passed the Senate February 23, 1965.

Approved by the Governor February 26, 1965.

CHAPTER 7.

[Senate Bill No. 3.]

AN ACT relating to state and local government; enacting a title of the Revised Code of Washington to be known as Title 35—Cities and Towns; providing penalties; repealing certain acts and parts of acts; and declaring an emergency.

Be It Enacted By the Legislature of the State of Washington:

TITLE 35

CITIES AND TOWNS

Chapter 35.01

MUNICIPAL CORPORATIONS CLASSIFIED

35.01.010 First class city. A first class city is one having at least twenty thousand inhabitants at the time of its organization or reorganization.

35.01.020 Second class city. A second class city is one having at least ten thousand inhabitants at the time of its organization or reorganization.

35.01.030 Third class city. A third class city is one having at least fifteen hundred inhabitants at the time of its organization or reorganization.

35.01.040 Fourth class—Town. A municipal corporation of the fourth class, which shall be known as a town, is one having not less than three hundred inhabitants and not more than fifteen hundred inhabitants at the time of its organization.

Chapter 35.02

INCORPORATION PROCEEDINGS

35.02.010 Authority for incorporation—Number of inhabitants required. Any portion of a county containing not less than three hundred inhabitants lying outside the limits of an incorporated city or town may become incorporated as a municipal corporation of the class to which it belongs: *Provided*, That no area which lies within five miles of any city having a population of fifteen thousand or more shall be incorporated after June 12, 1963 which contains less than three thousand inhabitants if such area or any part thereof lies within a class AA or A county.

35.02.020 Petition for incorporation—Signatures. A petition for incorporation must be signed by qualified voters resident within the limits of the proposed city or town equal in number to twenty percent of the votes cast at the last state election and presented to the auditor of the county.

35.02.030 Petition for incorporation—Contents. The petition for incorporation shall contain the form of government under which a city is to operate in the event it is incorporated, set forth and particularly describe the proposed boundaries of the proposed city or town, state the name of the proposed corporation and state the number of inhabitants therein, as nearly as may be, and pray that it may be incorporated.

35.02.035 Petition—Auditor's duties. The county auditor shall within thirty days from the time of receiving said petition determine that the legal description of the area proposed to be incorporated is correct and that there is a sufficient number of valid signatures. Upon such determination, the county auditor shall transmit said petitions accompanied by the certificate of sufficiency, to the board of county commissioners.

35.02.040 Publication of petition and notice. Upon receipt of a petition for incorporation together with a certificate of sufficiency by the county auditor, the board of county commissioners shall give notice of the hearing upon said petition for incorporation by one publication in not more than ten nor less than three days prior to the date set for said hearing in one or more newspapers of general circulation within the county. Said notice shall contain the time and place of said hearing.

35.02.050 Presentation of petition. If the petition sets forth an estimate of inhabitants of fifteen hundred or more, the chairman of the board of county commissioners, if the board is not in regular session at the time, shall call a special meeting of the board within five days; otherwise the petition may be presented at any regular or special meeting of the board.

35.02.060 Hearing on petition. When the petition for incorporation is presented the board of county commissioners shall hear it, but may adjourn the hearing from time to time not exceeding two months in all.

35.02.070 Findings by board of county commissioners—Establishment of boundaries—Limitation. Upon final hearing on a petition for incorporation the board shall establish and define the boundaries of the proposed city or town, being authorized to decrease but not increase the area proposed in the petition and any

such decrease shall not exceed twenty percent of the area proposed; it must also determine the number of inhabitants within the boundaries it has established: *Provided*, That the area shall not be so decreased that the number of inhabitants therein shall be less than required by RCW 35.02.010 as now or hereafter amended.

35.02.080 Election on question and of officers required. Following the action required of the board of county commissioners by RCW 35.02.070, an election shall be conducted within the area to determine whether it shall be incorporated, and to fill the various elective offices prescribed by law for cities of the class to which it will belong. Said election shall be conducted by the county auditor and the results thereof canvassed by the county canvassing board of election returns.

35.02.086 Candidates for elective positions—Filing—Withdrawal—Ballot position. Candidates for city or town elective positions of the class to which such proposed corporation will belong and for the type of government as named in said petition shall file a declaration of candidacy with the county auditor not more than forty-five nor less than thirty days prior to said election. Any candidate may withdraw his declaration at any time within five days after the last day allowed for filing declaration of candidacy. There shall be no fee charged for filing a declaration of candidacy for this incorporation election. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in groups under the designation of the respective titles of offices for which they are candidates. Names of candidates printed upon the ballot need not be rotated.

35.02.090 Election—Conduct—Voters' qualifications. The election shall be conducted in accordance with the general election laws of the state. No person shall be entitled to vote thereat unless he is a qualified elector of the county and has resided within the limits of the proposed city or town for at least thirty days next preceding the date of election.

35.02.100 Notice of election—Contents. The notice of election shall be given as provided by RCW 29.27.080 but shall further describe the boundaries of the proposed city or town, its name and the number of inhabitants, ascertained by the board of county commissioners to reside therein.

35.02.110 Ballots. The ballots shall contain the words "for incorporation" and "against incorporation" or words equivalent thereto, and also the names of the persons to be voted for, to fill the various elective offices.

35.02.120 Certification of election results—Order of board declaring incorporation. The county canvassing board of election returns shall certify the results of the election to the board of county commissioners. If the results reveal that a majority of the votes cast are for incorporation, the board by an order entered upon its minutes shall declare the city or town duly incorporated as of the class to which it may belong, naming it under the style of city (or town) of The board shall cause a certified copy of the order to be filed in the office of the secretary of state.

35.02.130 Effective date of incorporation—Terms of elected officers—First municipal election. The incorporation shall be complete upon the filing of the order of the board of county commissioners declaring it so, in the office of the secretary of state. The county auditor shall issue certificates of election to the successful candidates on or before the twentieth day following an election and said newly elected officials shall assume office on the first Monday following the issuance of the certificate of election and shall continue in office until their successors are elected and qualified at the next general municipal election: *Provided*, That if the date of the next general municipal election is less than seventy-five days after the incorporation election, the officials elected at the incorporation election shall hold office until their successors are elected and qualified at the general municipal election next following.

35.02.140 Disposition of uncollected road district taxes. Whenever in any territory forming a part of an incorporated city or town which is part of a road district of the county, and road district taxes have been levied but not collected on any property within such territory, the same shall, when collected by the county treasurer, be paid to such city or town and placed in the city or town street fund by the city or town: *Provided*, That this section shall not apply to any special assessments due in behalf of such property.

35.02.150 Pending final disposition of petition no other incorporation or annexation to be acted upon—Withdrawal or substitution. 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 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 there-

for, 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.

Chapter 35.03

INCORPORATION OF FIRST CLASS CITIES

35.03.010 Incorporation authorized—Population, area—Powers. Any portion of a county, which portion contains not less than twenty thousand inhabitants, living within an area of not more than ten square miles, and which is not incorporated as a municipal corporation, may become incorporated under the provisions of this chapter, and when so incorporated, shall have the powers conferred, or that may hereafter be conferred, by law upon cities of the first class.

35.03.020 Petition—Determining population, boundaries—Hearing. A petition shall first be presented to the board of county commissioners of such county, signed by at least one hundred qualified electors of the county, residents within the limits of such proposed corporation, which petition shall set forth and particularly describe the proposed boundaries of such corporation, and state the number of inhabitants therein as nearly as may be, and shall pray that the same may be incorporated under the provisions of this chapter. Upon presentation of said petition, the board of county commissioners shall ascertain the number of inhabitants residing within said proposed boundaries. If, in the opinion of the board of county commissioners, the population within such proposed boundaries can be ascertained from the figures compiled from the last federal census for said county, such population figures shall be used, otherwise said board of county commissioners shall make an enumeration of all persons residing within said proposed boundaries. If the board of county commissioners shall ascertain that there are twenty thousand or more inhabitants within said proposed boundaries, they shall set a date for hearing on said petition, the same to be published for a period of at least two weeks prior to such hearing in some newspaper published in said county, together with a notice stating the time and place of the meeting at which said petition will be heard. Such hearing may be adjourned from time to time, not to exceed one month in all, and, on the final hearing, the board of county commissioners shall make such changes in the proposed boundaries as they may find to be proper, but may not enlarge the same, nor reduce the same so that the population therein would be less than twenty thousand inhabitants.

35.03.030 Resolution—Election—Conduct of election. The board of county commissioners shall by resolution establish and define the boundaries of such corporation, establish and find the number of inhabitants residing therein and state the name of the proposed corporation. Within ninety days after the passage of said resolution the board of county commissioners shall cause an election to be called and held within the boundaries so established, said election to be conducted as provided in chapter 29.13 RCW as now or hereafter amended, for the purpose of determining whether such boundaries so established shall be incorporated into a city of the first class and the election of fifteen freeholders, who shall have been residents within said boundaries for a period of at least two years preceding their election and qualified electors of the county, for the purpose of framing a charter for said city. Any qualified person may, not earlier than sixty days nor later than thirty days prior to such election, file with the county auditor of said county his declaration of candidacy in writing. The form of ballot at such election shall be "for incorporation," "against incorporation"; and shall contain the names of the freeholders to be voted upon to frame said charter. No person shall be entitled to vote at such election unless he shall be a qualified elector of said county and shall have resided within the limits of such proposed corporation for at least thirty days next preceding such election.

35.03.040 Charter—Procedure for adoption—Election of first officials. If at such election a majority of those voting thereat vote in favor of incorporation, the board of county commissioners shall, by resolution entered upon its minutes, declare such territory duly incorporated as a city of the first class under the name of (naming it). Thereafter said city shall have no authority to function as a municipal corporation until a charter has been adopted in accordance with the provisions of this section, except for all purposes necessary for the adoption of such charter. The fifteen freeholders receiving the highest number of votes at such election shall be certified by the county auditor as elected as freeholders to form a charter for said city. It shall be the duty of the persons so elected to convene within ten days after their election and frame a charter for said city, and within sixty days thereafter they, or a majority of their number, shall submit such charter to the board of county commissioners which shall within ninety days thereafter cause another election to be called and held in said city and to be conducted as provided in chapter 29.13 RCW as now or hereafter amended and in conformity with article 11, section 10 of the Constitution, for the purpose of submitting said charter to the qualified electors of said city and for the election of the various elective officials to the respective offices named in said charter. The form of ballot at

such election shall be "for proposed charter," "against proposed charter," and the names of the candidates for the respective offices named in said proposed charter. At the first election of officials for said city any qualified elector of said city may become a candidate for any of the elective offices set forth in such proposed charter without nomination by filing with the proper election officials of the county a declaration in writing that he desires to be a candidate for a particular office (naming it), such declaration to be filed not earlier than sixty nor later than thirty days prior to such election. The candidates receiving the highest number of votes for the respective offices shall be declared elected to such office and the county auditor shall issue a certificate of such election. After the first election the nomination and election of officials for said city shall be as prescribed in the charter adopted by the people and the laws of the state. No person shall be entitled to vote at such election unless he shall be a qualified elector of said city and shall have resided within the limits of said city for at least thirty days preceding such election.

35.03.050 Charter—Authentication, recording—Effective date of incorporation—Judicial notice. If a majority of the votes cast at such election are cast in favor of ratification of such charter, the same shall become the organic law of said city, and shall supersede all special laws inconsistent therewith, when authenticated, recorded and attested as hereinafter provided:

I, _____, chairman of the board of county commissioners for _____ county, do hereby certify that, in accordance with the provisions of chapter _____ of the Laws of 19____, of the state of Washington, the county commissioners of said county duly caused an election to be held on the _____ day of _____, 19____, within the boundaries hereinafter described, for the purpose of determining whether or not the same should be incorporated into a city of the first class and for the purpose of electing fifteen freeholders to form a charter for such city, said boundaries being described as follows: (describe proposed boundaries). At said election _____ votes were cast in favor of incorporation and _____ votes were cast against incorporation, and the following named persons were duly elected freeholders for the purpose of forming a charter for said city, to wit: (name freeholders elected). That thereafter on the _____ day of _____, 19____, said board of freeholders duly returned a proposed charter for said city of _____, signed by the following named members, to wit: (name signers). That thereafter on the _____ day of _____, 19____, at an election duly called for said purpose, the proposed charter was submitted to the qualified electors of said city, and the returns of said election were duly canvassed, and the result of said

election was found to be as follows: For said proposed charter, votes; against said proposed charter, votes. Whereupon, the said charter was declared duly ratified. And I further certify that the annexed charter is a full, true, and correct copy of the proposed charter so voted upon and ratified as aforesaid.

In testimony whereof, I have hereunto set my hand this day of, 19.....
(County seal)

.....
Chairman of the board of county commissioners for county.

Said certificate shall be made in duplicate and the board of county commissioners shall cause one copy thereof to be immediately delivered to the secretary of state and the other copy to be delivered to the mayor-elect of said city. From and after the filing of said certificate with the secretary of state, said incorporation shall be deemed complete, and the officers so elected at said election shall be entitled to enter immediately upon the duties of their respective offices upon qualifying according to the provisions of said charter, and shall hold such offices, respectively, until the next general municipal election and until their successors are elected and qualified. The mayor shall deliver the certificate so delivered to him to the clerk of such city, who shall file the same as an official record of the city. The clerk shall immediately thereafter record the charter in a book to be provided and kept for said purpose and known as the charter book of the city of and when so recorded shall be attested by the clerk and the mayor of the city, under the corporate seal thereof, and thereafter any and all amendments to said charter shall in like manner be recorded and attested and, when so recorded and attested, all courts in this state shall take judicial notice of said charter and all amendments thereto.

Chapter 35.04

INCORPORATION OF INTERCOUNTY AREAS

35.04.010 Definitions. As used in this chapter, unless the context indicates otherwise, "principal county auditor", "principal board of county commissioners", "principal county canvassing board", and "principal county officer" mean respectively those in the county of that part of the proposed corporation in which the largest number of inhabitants reside as of the date of the incorporation thereof.

35.04.020 Incorporation authorized—Number of inhabitants required when proximate to city of fifteen thousand or more in certain counties. Any area lying in two or more counties which is not

incorporated as a municipal corporation, may become incorporated under the provisions of this chapter: *Provided*, That when any part of the area to be incorporated lies within five miles of any city having a population of fifteen thousand or more and in a class AA or A county, no petition under RCW 35.04.030 shall be valid unless the limits of the proposed city contain three thousand or more inhabitants. When so incorporated, it shall, unless otherwise provided by law, possess all the powers, duties, and benefits conferred upon or vested in, or that may hereafter be conferred upon or vested in, other municipalities of the same class and upon the officers thereof.

35.04.030 Petition for incorporation. A petition shall first be presented to the principal county auditor signed by qualified voters resident within each area of each county of the proposed corporation equal in number to twenty percent of the votes cast at the last state election. The petition shall set forth and particularly describe the form of government under which the proposed corporation is to operate in the event it is incorporated, the proposed boundaries of the proposed corporation, the number of inhabitants, as nearly as may be, within each area of each county within the proposed corporation, the name of the proposed corporation, and shall pray that the area may be incorporated under the provisions of this chapter.

35.04.040 ———Duties of county auditors—Certificates of sufficiency. The principal auditor shall, as soon as possible, but in any case not later than thirty days after the date of receiving the petition, determine or cause to be determined whether the legal description of the area to be incorporated in his county is correct, and determine whether there is a sufficient number of valid signatures in his county. Upon such determination the principal county auditor shall transmit the petition to the other county auditor, or if more than one is involved, successively to each, and such other auditors shall determine whether the legal description is correct and whether there is sufficient number of valid signatures from the area within their respective counties. No one county auditor shall be allowed more than thirty days within which so to check the petition. Thereupon the auditor or auditors shall attach a certificate of sufficiency and return the petition to the principal county auditor who, in turn, shall, not later than five days after receiving it, attach his certificate of sufficiency thereto for his respective county and transmit the petition and certificates to the principal board of county commissioners.

35.04.050 ———Notice of hearing. The principal board of county commissioners shall meet and fix a date for a hearing on

the petition, and shall give notice of the hearing upon the petition and the time and place thereof by at least one publication not more than ten nor less than three days prior to the date set for the hearing in one or more newspapers of general circulation within the respective counties in which the proposed corporation is located. The approval of each board of county commissioners of the other county or counties involved shall first be secured by the principal board of county commissioners prior to action by them under this section.

35.04.060 ———Hearing—Inclusion and exclusion of lands—Order. The hearing provided for in RCW 35.04.050 shall be held jointly by all the respective boards of county commissioners under the direction of the principal board of county commissioners. The hearing may be adjourned from time to time not to exceed two months in all. If upon final hearing the respective boards find that any land has been unjustly or improperly included within or excluded from the proposed corporation, the respective boards may change and fix the boundary lines of the portion of the proposed corporation within their respective counties in such a manner as they deem reasonable and just and conducive to the public welfare and convenience, and each such board shall thereupon enter an order establishing and defining the boundary lines of the proposed corporation within its respective county: *Provided*, That when any part of the area to be incorporated lies within five miles of any city having a population of fifteen thousand or more and in a class AA or A county, the area shall not be so decreased that the number of inhabitants therein shall be less than three thousand. No land shall be so included within the boundaries described in the petition unless each board of county commissioners of that county in which the area sought to be included is located first obtains the written assent of not less than a number of qualified voters resident within each area to be included in the proposed corporation equal in number to twenty percent of the votes cast at the last state election. Each board of county commissioners shall for the area within its respective county, promptly after the final hearing, by order establish and define the boundaries of the proposed corporation, determine the number of inhabitants residing therein and state the name of the proposed corporation: *Provided*, That for the action required after the final hearing, the boards may act jointly but in such case a majority of each board must vote favorably on such final action and the order shall be entered in the minutes of each board.

35.04.070 Determining population. For the purpose of the type of incorporation provided for in this chapter, the population shall be determined as follows:

A count shall be made by, or under the direction of, each board of each county in which a portion of the proposed corporation is located, of the number of dwelling units in that area at the time of incorporation or with respect to any area to be annexed thereto later, multiplied by a factor of 2.95, and the population so determined shall constitute the official population of the proposed corporation and subtracted from the official population of the unincorporated area of each of the counties in which the proposed corporation is located. In the event unincorporated territory is annexed to such corporation, the same procedures with respect to population shall be applicable.

35.04.080 Election for incorporation. Within sixty days after the passage of the order required by RCW 35.04.060, the principal county auditor shall cause an election to be held within the boundaries so established for the purpose of determining whether the area described shall be incorporated into the class of corporation to which it belongs and to fill the various elective offices prescribed by law for corporations of such class under the form of government specified in the petition. The election shall be conducted by the principal county auditor in accordance with the general election laws of the state. The principal county officers and principal county canvassing board shall exercise all powers and perform all duties in connection therewith with the assistance of the officers and canvassing board of the other county or counties. If the election is successful, all costs incurred shall be borne by the corporation, but if unsuccessful, all costs incurred shall be borne proportionately by each county in that ratio which the number of inhabitants residing in that part of each county forming a part of the proposed corporation bears to the total number of inhabitants residing within the boundaries of the whole of the proposed corporation.

35.04.090 Candidates—Filing, withdrawal, ballot position. Qualification of electors. Any qualified person may, not earlier than forty-five days nor later than thirty days prior to such election, file with the principal county auditor his declaration of candidacy. Any candidate may withdraw his declaration at any time within five days after the last day allowed for filing declarations of candidacy. There shall be no fee charged for filing declarations of candidacy for this incorporation election. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in groups under the designation of the respective titles of office for which they are candidates. Names of candidates printed upon the ballot need not be rotated. No person shall be entitled to vote at such election unless he is a qualified elector of his respective county within the proposed corporation and has resided within the limits of such pro-

posed corporation for at least thirty days next preceding such election.

35.04.100 Notice of election. The notice of election shall be given by the principal county auditor as provided by RCW 29.27.080 as now or hereafter amended, and shall describe the boundaries of the proposed corporation, its name, and the number of inhabitants residing therein as ascertained by the boards of county commissioners of the counties in which it is located.

35.04.110 Form of ballot. The form of ballot at such election shall be "for incorporation", "against incorporation"; and shall contain the names of the candidates for each office to be voted upon.

35.04.120 Certification of election results—Order of incorporation—Candidates elected. The principal county canvassing board shall certify the results of the election to the respective boards of county commissioners. If, at the election, a majority of those voting thereat in each area favor incorporation, the respective boards of county commissioners acting jointly shall, by order, declare such territory to be incorporated as a corporation of the class to which it belongs under the name of (naming it) and such order shall be entered in the minute record of each board. The candidate receiving the highest number of votes for his respective office shall be declared elected and the principal county auditor shall issue a certificate of such election on or before the twentieth day following election.

35.04.130 When incorporation complete—Terms of elected officers—First municipal election. The incorporation shall be complete upon the filing of a certified copy of the order of the boards of county commissioners declaring it so in the office of the secretary of state. The successful candidates shall assume office on the first Monday following the issuance of the certificate of election and shall continue in office until their successors are elected and qualified at the next general municipal election: *Provided*, That if the date of the next general municipal election is less than seventy-five days after the incorporation election, the officials elected at the incorporation election shall hold office until their successors are elected and qualified at the general municipal election next following.

35.04.140 Municipal election procedure. After such a proposed corporation has been incorporated, the elections shall be conducted as provided in chapter 29.13 RCW except each county auditor in each county in which a part of such corporation is located shall be responsible for closing registration files in accordance with RCW 29.07.160.

35.04.150 Powers and duties of county officers after incorporation—Costs. After incorporation all purposes essential to the maintenance, operation, and administration of the corporation whenever any action is required or may be performed by any county officer or board, such action shall be performed by the respective officer or board of the county of that part of the municipality in which the largest number of inhabitants reside as of the date of the incorporation of the proposed corporation except as provided in RCW 35.04.160, and all costs incurred shall be borne proportionately by each county in that ratio which the number of inhabitants residing in that part of each county forming a part of the proposed corporation bears to the total number of inhabitants residing within the whole of the corporation.

35.04.160 ———Finances—Costs. In the case of evaluation, assessment, collection, apportionment, and any other allied power or duty relating to taxes in connection with the corporation, the action shall be performed by the officer or board of the county for that area of the corporation which is located within his respective county, and all materials, information, and other data and all moneys collected shall be submitted to the proper officer of the county of that part of the corporation in which the largest number of inhabitants reside. Any power which may be or duty which shall be performed in connection therewith shall be performed by the officer or board receiving such as though only a corporation in a single county were concerned. All moneys collected from such area constituting a part of such corporation that should be paid to such corporation shall be delivered to the corporate treasurer thereof, and all other materials, information, or data relating to the corporation shall be submitted to the appropriate corporate officials.

Any costs or expenses incurred under this section shall be borne proportionately by each county involved.

35.04.170 Corporate powers in dealings with federal government. Any corporation incorporated as provided in this chapter shall, in addition to all other powers, duties and benefits of corporations of the same class, be authorized to purchase, acquire, lease, or administer any property, real or personal, or property rights and improvements thereon owned by the federal government on such terms and conditions as may be mutually agreed upon, when authorized to do so by the United States government, and thereafter to sell, transfer, exchange, lease, or otherwise dispose of any such property, and to execute contracts with the federal government with respect to supplying water and for other utility services.

35.04.180 Consolidation and annexation. Any corporation incorporated as provided in this chapter may consolidate or annex other incorporated or unincorporated territory outside the existing boundaries of such corporation but contiguous thereto, whether or not the territory lies in one or more counties, by following the procedure provided by law for such cases when only a single county is involved.

Chapter 35.06

ADVANCEMENT OF CLASSIFICATION

35.06.010 Population requirements for advance in classification. A city or town which has, as ascertained by a local census, or which has on the first day of January in any year according to an official report or abstract of the then next preceding federal or state census, at least twenty thousand inhabitants may become a city of the first class; a city or town which has, when ascertained in the same way, at least ten thousand inhabitants may become a city of the second class; a city or town which has, when ascertained in the same way, at least fifteen hundred inhabitants may become a city of the third class.

35.06.020 Petition—Local census. When a petition is filed signed by electors of a city or town, in number equal to not less than one-fifth of the votes cast at the last municipal election, seeking reorganization thereof as a city of a higher class than that indicated by the last preceding federal or state census, the city or town council to which the petition is presented shall forthwith cause a census to be taken by one or more suitable persons of all the inhabitants of such town or city in which census the full name of each person shall be plainly written, and the names alphabetically arranged and regularly numbered in complete series. The census shall be verified before an officer authorized to administer oaths and filed with the city or town clerk.

If the census shows such city or town qualified for the class named in the petition, the same proceedings shall be had as if the census were a federal or state census.

If the census shows such city or town not qualified for the class named in the petition, no further proceedings shall be had: *Provided*, That the city or town may be reorganized as a city or town of the class indicated by the census, upon a proper petition filed within six months from the filing of such census with the clerk, without other or further census.

35.06.030 Procedure if census is favorable—Election. If the census prescribed in RCW 35.06.020 shows that the city or town belongs

to the class named in the petition, the city or town council shall cause notice to be given as in other cases, that at the next general election of the city or town, or at a special election to be called for that purpose, the electors may vote for or against the advancement, their ballots to contain the words "for advancement" and the words "against advancement."

35.06.040 Certifying of returns. The canvassing authority of such election shall forthwith certify in duplicate to the city or town clerk the whole number of votes given at the election, the number in favor of advancement, and the number against it.

35.06.050 Effect of adverse vote. The clerk shall lay the certificate of election and census before the council at its next regular meeting after the same has been filed in his office, and if it appear that all the votes cast for the advancement are not a majority of the votes cast at the election, no further proceedings shall be had on that petition; but this shall not bar any new proceedings for such purpose.

35.06.060 Effect of favorable vote. If a majority of votes is in favor of such advancement, and the corporation, according to the federal or state census, or the census taken by order of the council, contains the requisite number of inhabitants, the council shall thereupon, by resolution, declare that the inhabitants of the corporation have decided on such advancement, and direct the clerk to certify the resolution to the clerk of the board of county commissioners.

35.06.070 Transcript of record to secretary of state. It shall be the duty of said board to cause a record of such action to be made, and when the clerk of the board has made the record, he shall certify and forward to the secretary of state a transcript thereof, whereupon the corporation shall be a city of the third, second, or first class, as the case may be, to be organized and governed under the provisions of this title, and when the corporation is actually organized by the election and qualification of its officers, notice of its existence as such shall be taken in all judicial proceedings.

35.06.080 Election of new officers. The first election of officers of the new corporation shall be at the first general municipal election after such proceedings, and the officers of the old corporation shall remain in office until the officers of the new corporation are elected and qualified; and the ordinances, bylaws, and resolutions adopted by the old corporation shall, as far as consistent with the provisions of this title, continue in force until repealed by the council of the new corporation; and the council and officers of the old corporation shall, upon demand, after the expiration of their

term of office, deliver to the proper officers of the new corporation all books of record, documents, and papers in their possession belonging to the old corporation.

Chapter 35.07

DISINCORPORATION

35.07.010 Authority for disincorporation. Cities of the third class and towns having a population of less than four thousand inhabitants may disincorporate.

35.07.020 Petition—Requisites. The petition for disincorporation must be signed by a majority of the registered voters thereof and filed with the city or town council.

35.07.030 Census. Upon the filing of the petition, the council shall appoint a suitable person to make an enumeration of the inhabitants of the municipality unless an enumeration has been made for the city or town, county, state, or the United States within six months next preceding the filing of the petition showing the city's or town's population to be less than four thousand. An enumeration made hereunder, unless impeached for fraud, shall be conclusive.

35.07.040 Calling election—Receiver. If the applicable census shows a population of less than four thousand, the council shall cause an election to be called upon the proposition of disincorporation. If the city or town has any indebtedness or outstanding liabilities, it shall order the election of a receiver at the same time.

35.07.050 Notice of election. Notice of such election shall be given as provided in RCW 29.27.080.

35.07.060 Ballots. The ballots for the election shall be printed at the expense of the municipality and there shall be printed thereon the words "for dissolution" in one line and the words "against dissolution" in another line and in other and separate lines, the names of each of the lawfully nominated candidates for receiver. In all other respects the ballots shall be in conformity with the law regulating elections in such cities and towns.

35.07.070 Conduct of election. The election shall be conducted as other elections are required by law to be conducted in the city or town except as in this chapter otherwise provided.

35.07.080 Canvass of returns. The result of the election, together with the ballots cast, shall be certified by the canvassing authority to the council which shall meet within one week thereafter and shall declare the result which shall be made a matter

of record in the journal of the council proceedings. If the vote "For dissolution" be a majority of the registered voters of such city or town voting at such election, such corporation shall be deemed dissolved.

35.07.090 Effect of disincorporation — Powers — Officers. Upon disincorporation of a city or town, its powers and privileges as such, are surrendered to the state and it is absolved from any further duty to the state or its own inhabitants and all the offices appertaining thereto shall cease to exist immediately upon the entry of the result: *Provided*, That if a receiver is required, the officers shall continue in the exercise of all their powers until a receiver has qualified as such, and thereupon shall surrender to him all property, money, vouchers, records and books of the city or town including those in any manner pertaining to its business.

35.07.100 Effect of disincorporation—Existing contracts. Disincorporation shall not impair the obligation of any contract. If any franchise lawfully granted has not expired at the time of disincorporation, the disincorporation does not impair any right thereunder and does not imply any authority to interfere therewith to any greater extent than the city or town might have, if it had remained incorporated.

35.07.110 Effect of disincorporation—Streets. Upon disincorporation of a city or town, its streets and highways pass to the control of the state and shall remain public highways until closed in pursuance of law; and the territory embraced therein shall be made into a new road district or annexed to adjoining districts as may be ordered by the board of county commissioners of the county embracing such city or town.

35.07.120 Receiver—Qualification—Bond. The receiver must qualify within ten days after he has been declared elected, by filing with the county auditor a bond equal in penalty to the audited indebtedness and the established liabilities of the city or town with sureties approved by the board of county commissioners, or if the board is not in session, by the judge of the superior court of the county. The bond shall run to the state and shall be conditioned for the faithful performance of his duties as receiver and the prompt payment in the order of their priority of all lawful claims finally established as the funds come into his hands to discharge them. The bond shall be filed with the county auditor and shall be a public record and shall be for the benefit of every person who may be injured by the receiver's failure to discharge his duty.

35.07.130 Elected receiver—Failure to qualify—Court to appoint. If the person elected receiver fails to qualify as such within

the prescribed time, the council shall file in the superior court of the county a petition setting forth the fact of the election, its result and the failure of the person elected receiver to qualify within the prescribed time and praying for the appointment of another person as receiver. Notice of the filing of the petition and of the time fixed for hearing thereon must be served upon the person elected receiver at least three days before the time fixed for the hearing. If he cannot be found within the county, no notice need be served, and the court may proceed with full jurisdiction to determine the matter upon the hearing. Unless good cause to the contrary is shown, the court shall appoint some suitable person to act as receiver, who shall qualify as required by RCW 35.07.120 within ten days from the date of his appointment.

If the council fails to procure the appointment of a receiver, any person qualified to vote in the city or town may file such a petition and make such application.

35.07.140 No receiver elected though indebtedness exists—Procedure. If no receiver is elected upon the supposition that no indebtedness existed and it transpires that the municipality does have indebtedness or an outstanding liability, any interested person may file a petition in the superior court asking for the appointment of a receiver, and unless the indebtedness or liability is discharged, the court shall appoint some suitable person to act as receiver who shall qualify as required of any other receiver hereunder, within ten days from the date of his appointment.

35.07.150 Duties of receiver—Claims—Priority. The receiver, upon qualifying, shall take possession of all the property, money, vouchers, records and books of the former municipality including those in any manner pertaining to its business and proceed to wind up its affairs. He shall have authority to pay:

(1) All outstanding warrants and bonds in the order of their maturity with due regard to the fund on which they are properly a charge;

(2) All lawful claims against the corporation which have been audited and allowed by the council;

(3) All lawful claims which may be presented to him within the time limited by law for the presentation of such claims, but no claim shall be allowed or paid which is not presented within six months from the date of the disincorporation election;

(4) All claims that by final adjudication may come to be established as lawful claims against the corporation.

As between warrants, bonds and other claims, their priority shall be determined with regard to the fund on which they are properly a charge.

35.07.160 Receiver may sue and be sued. The receiver shall have the right to sue and be sued in all cases necessary or proper for the purpose of winding up the affairs of the former city or town and shall be subject to suit in all cases wherein the city or town might have been sued, subject to the limitations provided in this chapter.

35.07.170 Receiver—Power to sell property. The receiver shall be authorized to sell at public auction after such public notice as the sheriff is required to give of like property sold on execution, all the property of the former municipality except such as is necessary for his use in winding up its affairs, and excepting also such as has been dedicated to public use.

Personal property shall be sold for cash.

Real property may be sold for all cash, or for one-half cash and the remainder in deferred payments, the last payment not to be later than one year from date of sale. Title shall not pass until all deferred payments have been fully paid.

35.07.180 Receiver—Power to levy taxes. 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 shall be made; nor shall the levy be greater than sufficient to meet the accruing interest until the bonds mature.

35.07.190 Receiver's compensation. The receiver shall be entitled to deduct from any funds coming into his hands a commission of six percent on the first thousand dollars, five percent on the second thousand and four percent on any amount over two thousand dollars as his full compensation exclusive of necessary traveling expenses and necessary disbursements, but not exclusive of attorney's fees.

35.07.200 Receiver—Removal for cause. The receiver shall proceed to wind up the affairs of the corporation with diligence and for negligence or misconduct in the discharge of his duties may be removed by the superior court upon a proper showing made by a taxpayer of the former city or town or by an unsatisfied creditor thereof.

35.07.210 Receiver—Successive appointments. In the case of removal, death, or resignation of a receiver, the court may appoint a new receiver to take charge of the affairs of the former city or town.

35.07.220 Receiver—Final account and discharge. Upon the final payment of all lawful demands against the former city or town, the receiver shall file a final account, together with [with] all vouchers, with the clerk of the superior court. Any funds remaining in his hands shall be paid to the county treasurer for the use of the school district in which the former city or town was situated; and thereupon the receivership shall be at an end.

35.07.230 Involuntary dissolution of towns—Authorized. If any town fails for two successive years to hold its regular municipal election, or if the officers elected at the regular election of any town fail for two successive years to qualify and the government of the town ceases to function by reason thereof, the state auditor through the division of municipal corporations may petition the superior court of the county for an order, dissolving the town. In addition to stating the facts which would justify the entry of such an order, the petition shall set forth a detailed statement of the assets and liabilities of the town insofar as they can be ascertained.

35.07.240 ———Notice of hearing. Upon the filing of a petition for the involuntary dissolution of a town, the superior court shall enter an order fixing the time for hearing thereon at a date not less than thirty days from date of filing. The state auditor shall give notice of such hearing by publication in a weekly newspaper of general circulation in the county, for three successive issues, and by posting in three public places in the town, stating therein the purpose of the petition and the date and place of hearing thereon.

35.07.250 ———Hearing. Any person owning property in or qualified to vote in the town may appear at the hearing and file written objections to the granting of the petition. If the court finds that the town has failed for two successive years to hold its regular municipal election or that its officers elected at a regular election have failed to qualify for two successive years thereby causing the government of the town to cease to function, it shall enter an order for disincorporation of the town.

35.07.260 ———Alternative forms of order. (1) If the court finds that the town has no indebtedness and no assets, the order of dissolution shall be effective forthwith.

(2) If the court finds that the town has assets, but no indebtedness or liabilities, it shall order a sale of the assets other than cash

by the sheriff in the manner provided by law for the sale of property on execution. The proceeds of the sale together with any money on hand in the treasury of the town, after deducting the costs of the proceeding and sale, shall be paid into the county treasury and placed to the credit of the school district in which the town is located.

(3) If the court finds that the town has indebtedness or liabilities and assets other than cash, it shall order the sale of the assets as provided in subsection (2) hereof and that the proceeds thereof and the cash on hand shall be applied to the payment of the indebtedness and liabilities.

(4) If the court finds that the town has indebtedness or liabilities, but no assets or that the assets are insufficient to pay the indebtedness and liabilities, it shall order the board of county commissioners to levy from year to year a tax on the taxable property within the boundaries of the former town until the indebtedness and liabilities are paid. All taxes delinquent at the date of dissolution when collected shall be applied to the payment of the indebtedness and liabilities. Any balance remaining from the collection of delinquent taxes and taxes levied under order of the court, after payment of the indebtedness and liabilities shall be placed to the credit of the school district in which the town is located.

Chapter 35.10

CONSOLIDATION INCLUDING ANNEXATION OF THIRD CLASS CITY OR TOWN TO FIRST CLASS CITY

35.10.200 Consolidation authorized—Contiguous defined. Two or more contiguous municipal corporations may become consolidated into one corporation after proceedings had as required by this chapter. When municipal corporations are separated by water and/or tide or shore lands upon which no bona fide residence is maintained by any person, they shall be deemed contiguous for all the purposes of this chapter, and may be consolidated under the terms hereof, and upon such consolidation any such intervening water and/or tide or shore lands shall become a part of the consolidated corporation.

35.10.210 Petition—Question submitted to vote. The council, or other legislative body, of either of such contiguous corporations, upon receiving a petition therefor signed by not less than one-fifth of the qualified electors of such corporation, as shown by the votes cast at the last general municipal election held in such corporation, shall, within ninety days after receiving such petition, cause to be submitted to the electors of each of such corporations, at a special

election to be held for that purpose, the question whether such corporations shall become consolidated into one corporation, and, in case the existing corporations are operating under different forms of government, shall submit to said electors the question as to which of the forms then in use by the existing corporations shall be the form of government under which the new corporation shall be organized and operated: *Provided*, That in all cases wherein cities and towns of the third or fourth classes desire annexation to a city of the first class neither the question of consolidation or form of government shall be submitted to the electors of such city of the first class.

35.10.220 Designation of election date—Notice to other corporations affected. The legislative body receiving such petition shall designate a day upon which such special election shall be held in each of the corporations proposed to be consolidated to determine whether such consolidation shall be effected, and shall give written notice thereof to the legislative body of each of the corporations proposed to be consolidated, which notice shall designate the name of the proposed new corporation in all cases except the proposed annexation of cities or towns of the third or fourth class to a city of the first class.

35.10.230 Duty to call election—Notice. Upon the giving and receiving of such notice, it shall be the duty of the legislative body of each of the corporations proposed to be consolidated, except the legislative body of a city of the first class in case of the proposed annexation of cities or towns of the third or fourth class to such city of the first class, to cause to be called a special election and in addition to the election notice required by chapter 29.27 RCW to give notice of such special election by publication for four weeks prior to such election, in a legal newspaper published in such corporation, or in case no legal newspaper is published therein, then in a legal newspaper published in the county and of general circulation in such corporation. Such notice shall distinctly state the propositions to be submitted, the names of the corporations proposed to be consolidated, the name of the proposed new corporation, and the class to which such proposed new corporation will belong, and shall invite the electors to vote upon such proposition by placing a cross "X" upon their ballots after the words "For consolidation" or "Against consolidation," and, in case the question of the form of government of the proposed new corporation is submitted, to place a cross "X" upon their ballots after the words describing the forms being submitted, for example "For commission form of government" or "For councilmanic form of government."

35.10.240 Canvass of votes—Joint convention—Abstract of vote, contents, filing. In all cases, except the proposed annexation of cities or towns of the third or fourth classes to a city of the first class, the county canvassing board shall canvass the votes cast thereat. The votes cast in each of such corporations shall be canvassed separately, and the statement shall show the whole number of votes cast, the number of votes cast for consolidation and the number of votes cast against consolidation, 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 shall be canvassed in like manner as the votes on consolidation, 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, 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, on the second Monday next succeeding the receipt of the statement of canvass to prepare an abstract of votes cast incorporating therein the information contained in the statement of canvass and declaring the consolidation adopted, 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. A duly certified copy of such abstract 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 a duly certified copy of the record of such abstract.

35.10.250 Election of officers of new corporation. Immediately after the filing of the abstract, the legislative body of that one of such corporations having the largest population, as shown by the last United States census, shall cause to be called a special election, to be held in such new corporation, for the election of the officers required by law to be elected in corporations of the class and form of government to which such new corporation belongs, which election shall be held within six months thereafter: *Provided*, That if the next regular general election of officers in cities of the class and form of government of such new corporation will be held within one year and not less than two months from the date of such consolidation election, then the officers of such new corporation shall

be elected at the said next regular election. Such regular or special election shall be called and conducted and canvassed in all respects in the manner prescribed, or that may be hereafter prescribed, by law for municipal elections in corporations of the class of such new corporation, and the results transmitted by the canvassing authority to the legislative body, who shall immediately declare the result thereof and cause the same to be entered upon its journal, and file certified copies of such result with the legislative body of each of the other corporations affected, who in like manner shall cause the same to be entered upon its journal.

35.10.260 Effective date of consolidation—Terms of office. From and after the date of such entry such corporations shall be deemed to be consolidated into one corporation under the name and style of "The City, (or town as the case may be) of" (naming it), with the powers conferred, or that may hereafter be conferred, by law, upon municipal corporations of the class to which the same shall belong, and the officers elected at such election, upon qualifying as provided by law, shall be entitled to enter immediately upon the duties of their respective offices, and shall hold such offices respectively until the next regular general election to be held in such city or town, and until their successors are elected and qualified.

35.10.270 Annexation of third class city or town to first class city—Vote—Canvass—Census—Petition. When the electors of any city, or town, of the third or fourth class shall vote upon the question of annexation to a city of the first class, the canvassing authority shall canvass the votes and, if it appear that a majority be in favor of annexation, the legislative body of such city or town shall, if said city of the first class is divided into wards and governed by councilmen elected from such wards respectively, forthwith cause a census to be taken by one or more competent persons, of all the inhabitants of such city or town. In such census the full name of each person shall be plainly written, and the names alphabetically arranged and regularly numbered in one complete series, and said census shall be verified before an officer authorized to administer oaths. Upon the completion of such census the legislative body of such city or town shall forthwith file a petition, together with a certified abstract of the votes so taken and canvassed and a copy of the census, if one has been taken, with the legislative body of such city of the first class, praying for annexation under the name of such city of the first class.

35.10.280 ————Determination by first class city—Wards—Ordinance. At the next regular meeting of the legislative body of

such city of the first class following the filing of such petition, or as soon thereafter as practicable, said legislative body shall proceed to hear such petition and abstract, and census if any, and if such legislative body deem it wise and expedient to take and annex such city or town of the third or fourth class, it shall pass an ordinance, in the manner required by law and the charter of such city, declaring such city or town annexed to said city of the first class, which ordinance, in case said city is divided into wards and governed by councilmen elected from such wards respectively and the population of said city or town annexed, as shown by said census, is sufficient to constitute one or more wards of said city of the first class, shall provide that such city or town be annexed as one or more wards according to population, and shall describe the boundaries of and assign a number, or numbers, to such ward or wards. In case the population of such annexed city or town be not sufficient to constitute a ward or wards of the city of the first class, the territory embraced in such annexed city or town shall, by said ordinance, be assigned to and become a part of the ward or wards of such city of the first class contiguous to such annexed city or town. In case said city of the first class be not divided into wards, said ordinance shall simply provide that said city or town be annexed to such city of the first class.

35.10.290 ————**When effective—Election of councilmen—Filing.** Upon the taking effect of such ordinance of such city of the first class, such city or town of the third or fourth class shall thereupon become a part of such city of the first class under the name and style of such city and subject to its charter and all of its laws and ordinances then in force. In case such city or town shall have been annexed as a new ward or wards of such city of the first class, the legislative body thereof shall immediately cause to be called a special election to be held in such new ward or wards for the purpose of electing one councilman from each such ward, who shall hold office until the next general election of such city of the first class, and until his successor is elected and qualified: *Provided*, That if such general election will occur within six months after such annexation no special election for the election of councilmen shall be called. Such special election, if one be called, shall be called, held and conducted, and the vote cast thereat shall be canvassed and the result declared, in all respects as provided by law and the charter and ordinances of such city of the first class for holding special elections. It shall be the duty of the clerk, or other officer performing the duties of clerk, of such city of the first class, upon the taking effect of the ordinance annexing such city or town, to forthwith transmit to the secretary of state a certified copy of all

proceedings had before and by the legislative body of such city of the first class relating to such annexation.

35.10.300 Disposition of property. Upon the consolidation of two or more corporations, or the annexation of any city or town of the third or fourth class to a city of the first class, as provided in this chapter, the title to all property owned by, or held in trust for, such former corporation, or city or town, shall vest in such consolidated corporation, or city of the first class, as the case may be: *Provided*, That if any such former corporation, or city or town, shall be indebted, the proceeds of the sale of any such property not required for the use of such consolidated corporation, or city of the first class, shall be applied to the payment of such indebtedness, if any exist at the time of such sale.

35.10.310 Assets and liabilities of component cities—Taxation to pay claims. Such consolidation, or annexation, shall in no wise affect or impair the validity of claim or chose in action existing in favor of or against, any such former corporation or city or town so consolidated or annexed, or any proceeding pending in relation thereto, but such consolidated corporation, or city of the first class, as the case may be, shall collect such claims in favor of such former corporation, or cities or towns of the third or fourth classes, and shall apply the proceeds to the payment of any just claims against them respectively, and shall when necessary levy and collect taxes against the taxable property within any such former corporation, or city or town, sufficient to pay all just claims against it.

35.10.320 Continuation of ordinances. All ordinances in force within any such former corporation, at the time of consolidation, not in conflict with the laws governing the consolidated corporation, or with the ordinances of the former corporation having the largest population, as shown by the last United States census, and all ordinances in force within a city or town of the third or fourth class, not in conflict with the laws governing, or the charter or ordinances of, the city of the first class to which it is annexed, shall remain in full force and effect until superseded or repealed by the legislative body of the consolidated corporation, or city of the first class, as the case may be, and shall be enforced by such corporation or city, but all ordinances of such former corporations, or cities or towns of the third or fourth class, in conflict with such laws, charters or ordinances shall be deemed repealed by, and from and after, such consolidation or annexation, but nothing in this section shall be construed to discharge any person from any liability, civil or criminal, for any violation of any ordinance of such former corporation, or city or town of the third or fourth class, incurred prior to such consolidation or annexation.

35.10.330 Taxation of component cities. No property within either former corporation so consolidated under the provisions of this chapter, shall ever be taxed to pay any portion of any indebtedness or obligation of either of the other of such former corporations, contracted or incurred prior to the date of such consolidation; no property within any former city or town of the third or fourth class annexed to any city of the first class under the provisions of this chapter, shall ever be taxed to pay any portion of any indebtedness or obligation of such city of the first class contracted or incurred prior to the date of such annexation, and no property within such former city of the first class shall ever be taxed to pay any portion of any indebtedness or obligation of any city or town of the third or fourth class annexed to such city of the first class under the provisions of this chapter, contracted or incurred prior to the date of such annexation.

Chapter 35.12

ANNEXATION OF ALL OR PART OF ANOTHER CITY OR SUBURB

35.12.010 Procedure. The boundaries of any municipal corporation may be altered and new territory included therein, after proceedings had as required in this section. The council or other legislative body of such corporation shall, upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors thereof, as shown by the votes cast at the last municipal election held therein, cause to be submitted to the electors of such corporation, and to the electors residing in the territory proposed by such petition to be annexed to such corporation, the question whether such territory shall be annexed to such corporation and become a part thereof. Such question shall be submitted at a special election to be held for that purpose and in addition to the election notice required by chapter 29.27 such legislative body shall give notice thereof, by publication in a newspaper printed and published in such corporation, and also in a newspaper printed and published outside of such corporation, and in the county in which such territory so proposed to be annexed is situated, in both cases for a period of four weeks prior to such election. Such notice shall distinctly state the proposition to be so submitted, and shall designate specifically the boundaries of the territory so proposed to be annexed. The votes cast in such territory so proposed to be annexed shall be canvassed separately, and if it shall appear upon such canvass that a majority of all the votes cast in such territory, and a majority of all the votes cast in such corporation, shall be for annexation, the canvassing authority shall, by an order entered upon their minutes,

cause their clerk, or other officer performing the duties of clerk, to make and transmit to the municipal legislative body and to the secretary of state a certified abstract of such vote, which abstract shall show the whole number of electors voting in such territory, the whole number of electors voting in such corporation, the number of votes cast in each for annexation, and the number of votes cast in each against annexation. From and after the date of the filing of such abstract such annexation shall be deemed complete, and thereafter such territory shall be and remain a part of such corporation: *Provided*, That no property within such territory so annexed shall ever be taxed to pay any portion of any indebtedness of such corporation contracted prior to, or existing at the date of, such annexation. If the territory so proposed to be annexed consists in whole or in part of any municipal corporation or part thereof, such territory shall not be annexed under the provisions of this section: *Provided*, That such territory does not contain a population exceeding two thousand.

Chapter 35.13

ANNEXATION OF UNINCORPORATED AREAS

35.13.010 Authority for annexation—Consent of county commissioners for certain property. Any portion of a county not incorporated as part of a city or town but lying contiguous thereto may become a part of the city or town by annexation: *Provided*, That property owned by a county, and used for the purpose of an agricultural fair as provided in chapter 15.76 or chapter 36.37 shall not be subject to annexation without the consent of the majority of the board of county commissioners. An area proposed to be annexed to a city or town shall be deemed contiguous thereto even though separated by water or tide or shore lands on which no bona fide residence is maintained by any person.

35.13.015 Election method—Resolution for election—Contents of resolution. In addition to the method prescribed by RCW 35.13.020 for the commencement of annexation proceedings, the legislative body of any city or town may, whenever it shall determine by resolution that the best interests and general welfare of such city or town would be served by the annexation of unincorporated territory contiguous to such city or town, file a certified copy of the resolution with the board of county commissioners of the county in which said territory is located. The resolution of the city or town initiating such election shall describe the boundaries of the area to be annexed, as nearly as may be state the number of voters residing therein, pray for the calling of an election to be held among

the qualified voters therein upon the question of annexation, and provide that said city or town will pay the cost of the annexation election. The resolution may require that there also be submitted to the electorate of the territory sought to be annexed a proposition that all property within the area annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for any then outstanding indebtedness of the city or town to which said area is annexed, contracted prior to, or existing at, the date of annexation.

35.13.020 Election method — Petition for election — Signers—Rate of assessment in annexed area for outstanding indebtedness—Filing and approval—Costs of election. 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. In approving the proposed action, the legislative body may require that there also be submitted to the electorate of the territory to be annexed, a proposition that all property within the area to be annexed shall, upon annexation be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for any then outstanding indebtedness of the city or town to which said area is annexed, contracted prior to, or existing at, the date of annexation. 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.

35.13.030 Election method—Petition for election—Content. A petition filed with the county commissioners to call an annexation election shall particularly describe the boundaries of the area proposed to be annexed, state the number of voters residing therein as nearly as may be, state the provisions, if any there be, relating to assumption of debt by the owners of property of the area proposed to be annexed, and shall pray for the calling of an election to be held among the qualified voters therein upon the question of annexation.

35.13.040 Election method—Hearing—Notice. Upon the filing of approval by the review board of a petition 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 at least two weeks prior thereto in some newspaper printed and published in the city or town to which 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.

35.13.050 Election method—Petition or resolution for election—Others covering same area barred from consideration, withdrawal. After the filing with the board of county commissioners of a petition or resolution to call an annexation election, pending the hearing thereon, 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.

35.13.060 Election method—Fixing date of election. Upon granting the petition, 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.

35.13.070 Election method—Conduct of election. An annexation election shall be held in accordance with the general election laws of the state, and only registered voters who have resided in the area proposed to be annexed for ninety days immediately preceding the election shall be allowed to vote therein.

35.13.080 Election method—Notice of election. Notice of an annexation election shall particularly describe the boundaries of the area proposed to be annexed, state the objects of the election as prayed in the petition or as stated in the resolution and require the voters to cast ballots which shall contain the words "For annexation" and "Against annexation" or words equivalent thereto, and which in case the assumption of indebtedness is proposed, shall contain as a separate proposition, the words "For assumption of indebtedness" and "Against assumption of indebtedness" or words

equivalent thereto. The notice shall be posted for at least two weeks prior to the date of election in four public places within the area proposed to be annexed and published for at least two weeks prior to the date of election in a newspaper printed and published within the limits of the territory proposed to be annexed, or, if there is no such newspaper, in a newspaper printed and published in the city or town to which the area is proposed to be annexed, or if there is no newspaper published in the city or town, in a newspaper of general circulation in the area published and printed in the county. Such notice shall be in addition to the notice required by chapter 29.27 RCW.

35.13.090 Election method—Canvass—Vote required for annexation—Proposition for assumption of indebtedness—Certification. On the Monday next succeeding the annexation election, the county canvassing board shall proceed to canvass the returns thereof and shall submit the statement of canvass to the board of county commissioners.

The proposition for or against annexation shall be deemed approved if a majority of the votes cast on that proposition are cast in favor of annexation. If a proposition for or against assumption of indebtedness was submitted to the electorate, it shall be deemed approved if a majority of at least three-fifths of the electors of the territory proposed to be annexed voting on such proposition vote in favor thereof, and the number of persons voting on such proposition constitutes not less than forty percent of the total number of votes cast in such territory at the last preceding general election. If either or both propositions were approved by the electors, the board shall enter a finding to that effect on its minutes, a certified copy of which shall be forthwith transmitted to and filed with the clerk of the city or town to which annexation is proposed, together with a certified abstract of the vote showing the whole number who voted at the election, the number of votes cast for annexation and the number cast against annexation, and if a proposition for assumption of indebtedness was submitted to the electorate, the abstract shall include the number of votes cast for assumption of indebtedness and the number of votes cast against assumption of indebtedness, together with a statement of the total number of votes cast in such territory at the last preceding general election.

35.13.100 Election method—Ordinance providing for annexation, assumption of indebtedness. Upon filing of the certified copy of the finding of the board of county commissioners, the clerk shall transmit it to the legislative body of the city or town at the next regular meeting or as soon thereafter as practicable. If only a

proposition relating to annexation was submitted to the voters and such proposition was approved, the legislative body shall adopt an ordinance providing for the annexation. If propositions for annexation and assumption of indebtedness were both submitted, and both were approved, the legislative body shall adopt an ordinance providing for the annexation including the assumption of indebtedness. If both propositions were submitted and only the annexation proposition was approved, the legislative body may, if it deems it wise or expedient, adopt an ordinance providing for the annexation.

35.13.110 Election method—Effective date of annexation—Assessment, taxation of territory annexed. Upon the date fixed in the ordinance of annexation, the area annexed shall become a part of the city or town. All property within the territory hereafter annexed shall, if the proposition approved by the people so provides after June 12, 1957, be assessed and taxed at the same rate and on the same basis as the property of such annexing city is assessed and taxed to pay for any then outstanding indebtedness of the city or town to which said area is annexed, contracted prior to, or existing at the date of annexation.

35.13.120 Election method is alternative. The method of annexation provided for in RCW 35.13.020 to 35.13.110 shall be an alternative method, not superseding any other.

35.13.125 Petition method—Commencement of proceedings—Notice to legislative body—Meeting—Assumption of indebtedness. Proceedings for the annexation of territory pursuant to RCW 35.13.130, 35.13.140, 35.13.150, 35.13.160 and 35.13.170 shall be commenced as provided in this section. Prior to the circulation of a petition for annexation, the initiating party or parties who shall be the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, shall notify the legislative body of the city or town of their intention to commence annexation proceedings. The legislative body shall set a date, not later than sixty days after the filing of the request, for a meeting with the initiating parties to determine whether the city or town will accept the proposed annexation, and whether it shall require the assumption of existing city or town indebtedness by the area to be annexed. If the legislative body requires the assumption of indebtedness, 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.

35.13.130 Petition method—Petition—Signers—Content. A petition for annexation of an area contiguous to a city or town may

be made in writing addressed to and filed with the legislative body of the municipality to which annexation is desired. It must be signed by the owners of not less than seventy-five percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, shall set forth a description of the property according to government legal subdivisions or legal plats and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed. If the legislative body has required the assumption of city or town indebtedness by the area annexed, this fact, together with a quotation of the minute entry of such requirement shall be set forth in the petition.

35.13.140 Petition method—Notice of hearing. Whenever a petition for annexation is filed with the city or town council, or commission in those cities having a commission form of government, which meets the requirements herein specified, of which fact satisfactory proof may be required by the council or commission, the council or commission may entertain the same, fix a date for a public hearing thereon and cause notice of the hearing to be published in one issue of a newspaper of general circulation in the city or town. The notice shall also be posted in three public places within the territory proposed for annexation, and shall specify the time and place of hearing and invite interested persons to appear and voice approval or disapproval of the annexation. The expense of publication and posting of the notice shall be borne by the signers of the petition.

35.13.150 Petition method—Ordinance providing for annexation. Following the hearing, the council or commission shall determine by ordinance whether annexation shall be made. They may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition. Upon passage of the ordinance a certified copy shall be filed with the board of county commissioners of the county in which the annexed property is located.

35.13.160 Petition method—Effective date of annexation—Assessment, taxation of territory annexed. Upon the date fixed in the ordinance of annexation the area annexed shall become part of the city or town. All property within the territory hereafter annexed shall, if the annexation petition so provided, be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for any then outstanding indebtedness of the city or town to which said area is annexed, contracted prior to, or existing at, the date of annexation.

35.13.170 Petition method is alternative. The method of annexation provided for in RCW 35.13.130 to 35.13.160 shall be an alternative method, not superseding any other.

35.13.171 Review board—Convening—Composition. Within ten days after the filing of a city's or town's annexation resolution with the board of county commissioners, or within ten 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 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 shall convene a review board composed of the following persons:

(1) The mayor of the city initiating the annexation resolution, 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, 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 additional member to be designated by a majority of the members above designated, who shall be a resident of and a 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.

35.13.172 When review procedure may be dispensed with. 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 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.

35.13.173 Determination by review board—Factors considered—Filing of findings. 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 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) In the case of a resolution of a city or town initiating annexation proceedings, 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.

35.13.174 Date for annexation election if review board's determination favorable. Upon receipt by the board of county commissioners of a determination by a majority of the review board favoring annexation of the proposed area, 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.

35.13.175 Pending final disposition of petition no other annexation petition shall be acted upon. After the filing of any petition 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 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.

35.13.180 Annexation for municipal purposes. City and town councils of second and third class cities and towns may by a majority vote annex new territory outside the city or town limits, whether contiguous or noncontiguous for park, cemetery, or other municipal purposes.

35.13.185 Annexation of federal areas by first class city. Any unincorporated area contiguous to a first class city may be annexed thereto by an ordinance accepting a gift, grant, lease or cession of jurisdiction from the government of the United States of the right to occupy or control it.

35.13.190 Annexation of federal areas by second and third class cities and towns. Any unincorporated area contiguous to a second or third class city or town may be annexed thereto by an ordinance accepting a gift, grant, or lease from the government of the United States of the right to occupy, control, improve it or sublet it for commercial, manufacturing, or industrial purposes: *Provided*, That this shall not apply to any territory more than four miles from the corporate limits existing before such annexation.

35.13.200 Same — Annexation ordinance — Provisions. In the ordinance annexing territory pursuant to a gift, grant, or lease from the government of the United States, a second or third class city or town may include such tide and shore lands as may be necessary or convenient for the use thereof, may include in the ordinance an acceptance of the terms and conditions attached to the gift, grant, or lease and may provide in the ordinance for the annexed territory

to become a separate ward of the city or town or part or parts of adjacent wards.

35.13.210 Same—Authority over annexed territory. A second or third class city or town may cause territory annexed pursuant to a gift, grant, or lease of the government of the United States to be surveyed, subdivided and platted into lots, blocks, or tracts and lay out, reserve for public use, and improve streets, roads, alleys, slips, and other public places. It may grant or sublet any lot, block, or tract therein for commercial, manufacturing, or industrial purposes and reserve, receive and collect rents therefrom. It may expend the rents received therefrom in making and maintaining public improvements therein, and if any surplus remains at the end of any fiscal year, may transfer it to the city's or town's current expense fund.

35.13.220 Annexation of water, sewer, and fire districts—Disposition of properties—Outstanding indebtedness. Whenever any territory which includes all the territory of a water, sewer or fire protection district, hereinafter referred to as "the district," has been heretofore or is hereafter annexed to a city or town, all real and personal property, franchises, rights, assets, taxes levied but not collected for the district for other than indebtedness, water or sewer lines, facilities, or equipment of the district shall become the property of a city or town to which annexation is made and such city shall, in addition to its other powers, have the same power to manage, control, maintain and operate such facilities and to fix and collect charges to customers as the commissioners of the district had prior to annexation, subject, however, to any outstanding indebtedness, bonded, or otherwise, of the district or local improvement district or utility local improvement district thereof, which indebtedness a city or town may by resolution of its governing body elect to assume and pay at the times and in the manner said indebtedness is due and payable. Such election to assume said indebtedness may be made either upon the effective date of such annexation or at any time thereafter during the period such indebtedness remains outstanding. Until such election is made, the property annexed and the owners and occupants thereof shall continue liable for its and their proportion of the unpaid indebtedness and the district, or local improvement district or utility local improvement district, and its officers shall continue to function for the sole purpose of certifying the amount of property tax or assessments to be collected and paid on such indebtedness in the same manner and by the same means as if the annexation had not been made.

If a city or town elects to assume outstanding indebtedness, and property taxes or assessments have been levied for such purpose

but not collected for the district or local improvement district or utility local improvement district thereof prior to the date of such election by the city or town, the same shall when collected belong and be paid to the annexing city and be used by such city or town so far as necessary for payment as and when due of the indebtedness of the district or local improvement district or utility local improvement district existing and unpaid on the date such city or town elects to assume such indebtedness. If a city or town takes over any funds which have been collected for paying any bonded or other indebtedness of the district the same shall be used for the purpose for which collected and for no other purpose.

35.13.243 ———Assumption of control of entire or part of water or sewer district if sixty percent or more of area or valuation is annexed or lies within city or town—Acquisition subject to obligations. If a portion of a water or sewer district equal to at least sixty percent of the area or sixty percent of the assessed valuation of the real property included within the district is annexed to or lies within a city or town, the city or town may:

(1) Adopt an ordinance assuming the full and complete management and control of the entire district, whereupon the provisions of RCW 35.13.220 shall be operative as to such annexation; or

(2) Adopt an ordinance assuming jurisdiction of the district's responsibilities, property, facilities and equipment within the area annexed: *Provided*, That if the annexed area contains any property, facilities or equipment which, on the date of annexation, were serving any portion of the district not annexed, the city or town shall assume full ownership, management and control of such property, facilities and equipment subject to any one of the following conditions acceptable to the district and city or town concerned:

(a) The city or town shall, for the economic life of such property, facilities and equipment, make such property, facilities and equipment available for use by the district to the same extent such property, facilities and equipment served the unannexed portion of the district on the date of annexation; or

(b) The city or town shall pay to the district that proportion of the equity of the district in such property, facilities and equipment equal to the proportion the assessed valuation of all property subject to taxation situated within the area of the district not annexed bears to the total assessed valuation of all property subject to taxation situated within the district prior to annexation. For the purpose of this paragraph, assessed valuation shall be the valuation of the property as last determined by the county assessor. In determining the equity of the district for purposes of this paragraph due consideration shall be given to depreciation of the economic life of the property, facilities and equipment due to age and condition, and to

replacement costs for comparable property, facilities and equipment to serve that portion of the district not annexed; or

(c) The city or town shall, for the economic life of such property, facilities and equipment, provide for continuity of service to the unannexed portion of the district served by such property, facilities and equipment on the date of annexation.

A city or town acquiring property, facilities and equipment under the provisions of subdivision (2) of this section shall acquire such property subject to the debts and obligations of the district for which such property, facilities and equipment would have been liable if no annexation had been made; and, in such cases, the annexed property, and the owners and occupants thereof, shall continue liable for payments of its and their proportionate share of any unpaid indebtedness, bonded or otherwise, with the right on the part of the district officials to make tax levies and collect charges on such property or owners or occupants, and to enforce such collections as if the annexation had not been made.

35.13.246 ——— Assumption of control of part of water or sewer district if less than sixty percent of the area or valuation annexed. If the portion of a water or sewer district annexed to a city or town is less than sixty percent of the area of the district and less than sixty percent of the assessed valuation of the real property within the district, the provisions of RCW 35.13.243, except subdivision (1), as now or hereafter amended, shall apply.

35.13.247 ——— Ownership of assets of fire protection district—When at least sixty percent of assessed valuation is annexed or incorporated in city or town. If a portion of a fire protection district including at least sixty percent of the assessed valuation of the real property of the district is annexed to or incorporated into a city or town, ownership of all of the assets of the district shall be vested in the city or town, upon payment in cash, properties or contracts for fire protection services to the district within one year, of a percentage of the value of said assets equal to the percentage of the value of the real property in entire district remaining outside the incorporated or annexed area.

35.13.248 ——— ——— When less than sixty percent. If a portion of a fire protection district including less than sixty percent of the assessed value of the real property of the district is annexed to or incorporated into a city or town, the ownership of all assets of the district shall remain in the district and the district shall pay to the city or town within one year or within such period of time as the district continues to collect taxes in such incorporated or annexed areas, in cash, properties or contracts for fire protection services, a percentage of the value of said assets equal to the percentage of the

value of the real property in the entire district lying within the area so incorporated or annexed: *Provided*, That if less than five percent of the area of the district is affected, no payment shall be made to the city or town. The fire protection district shall provide fire protection to the incorporated or annexed area for such period as the district continues to collect taxes levied in such annexed or incorporated area.

35.13.249 ————— **Outstanding indebtedness not affected.** When any portion of a fire protection district is annexed by or incorporated into a city or town, any outstanding indebtedness, bonded or otherwise, shall remain an obligation of the taxable property annexed or incorporated as if the annexation or incorporation had not occurred.

35.13.250 ————— **City and district may contract regarding rights and obligations.** Notwithstanding any of the provisions of this chapter to the contrary, as now or hereafter amended, the city may, through its legislative authority authorize a contract with the district, with respect to rights, duties and obligations of the city and the district as to ownership of property, services, assets, liabilities and debts and any other questions arising out of the annexation, which contract may also make provisions for services by the district and use of its facilities or real estate within the city, and which contract may also provide that for such time as the contract may provide such district may continue to exercise all rights, privileges, powers and functions of such district provided by law as if there had been no annexation, including but not by way of limitation the right to levy and collect special assessments, adopt and carry out the provisions of a comprehensive plan, or amendments thereto, for a system of improvements, and issue and sell revenue and general obligation bonds.

35.13.260 **Determining population of annexed territory—Certificate—as basis for allocation of state funds.** Whenever any territory is annexed to a city or town, a certificate as hereinafter provided shall be submitted in triplicate to the state census board within thirty days of the effective date of annexation specified in the relevant ordinance. After approval of the certificate, the board shall retain the original copy in its files, and transmit the second copy to the secretary of state, and return the third copy to the city or town. Such certificates shall be in such form and contain such information as shall be prescribed by the board. A legal description and a map showing specifically the boundaries of the annexed territory shall be attached to each of the three copies of the certificate. The certificate shall be signed by the mayor and attested by the city clerk.

Upon request, the board shall furnish certification forms to any city or town.

Whenever the effective date of annexation as specified in the relevant ordinance is between April 2nd and August 31st inclusive, in any year, and the annexation certificate is submitted as provided herein, the population of the annexed territory shall be added to the April 1st population as determined for that year by the board, and shall be used for the allocation and distribution of state funds to cities and towns commencing January 1st next following. When a certificate is submitted subsequent to the thirty-day period from the effective date of the annexation as specified in the relevant ordinance, the population of the annexed territory shall not be considered until April 1st of the following year. The resident population of the annexed territory shall be determined by, or under the direction of, the mayor of the city or town. Such population determination shall consist of an actual enumeration of the population which shall be made in accordance with practices and policies, and subject to the approval of, the board. The population shall be determined as of the effective date of annexation as specified in the relevant ordinance.

Until an annexation certificate is filed and approved as provided herein, such annexed territory shall not be considered by the board in determining the population of such city or town.

35.13.270—Road district taxes collected in annexed territory—Disposition. Whenever any territory is annexed to a city which is part of a road district of the county and road district taxes have been levied but not collected on any property within the annexed territory, the same shall when collected by the county treasurer be paid to the city and by the city placed in the city street fund.

35.13.280 Cancellation, acquisition, of franchise or permit for operation of public service business in territory annexed. The annexation by any city of any territory pursuant to those provisions of chapter 35.10 which relate to the annexation of a third class city or town to a first class city, or pursuant to the provisions of chapters 35.12 or 35.13 RCW shall cancel, as of the effective date of such annexation, any franchise or permit theretofore granted to any person, firm or corporation by the state of Washington, or by the governing body of such annexed territory, authorizing or otherwise permitting the operation of any public transportation, garbage collection and/or disposal or other similar public service business or facility within the limits of the annexed territory, but the holder of any such franchise or permit canceled pursuant to this section shall be forthwith granted by the annexing city a franchise to continue such business within the annexed territory for a term of not less

than five years from the date of issuance thereof, and the annexing city, by franchise, permit or public operation, shall not extend similar or competing services to the annexed territory except upon a proper showing of the inability or refusal of such person, firm or corporation to adequately service said annexed territory at a reasonable price: *Provided*, That the provisions of this section shall not preclude the purchase by the annexing city of said franchise, business, or facilities at an agreed or negotiated price, or from acquiring the same by condemnation upon payment of damages, including a reasonable amount for the loss of the franchise or permit. In the event that any person, firm or corporation whose franchise or permit has been canceled by the terms of this section shall suffer any measurable damages as a result of any annexation pursuant to the provisions of the laws above-mentioned, such person, firm or corporation shall have a right of action against any city causing such damages.

Chapter 35.16

REDUCTION OF CITY LIMITS

35.16.010 Petition for election. Upon the filing of a petition praying for an election to submit the question of excluding an area described by metes and bounds or by reference to a recorded plat or government survey from the boundaries of a city or town signed by qualified voters thereof equal in number to not less than one-fifth of the number of votes cast at the last municipal election, the city or town council shall cause to be submitted the question to the voters by a special election held for that purpose. Such special election shall not be held within ninety days next preceding any general election. The petition shall set out and describe the territory to be excluded from the corporation, together with the boundaries of the said corporation as it will exist after such change is made.

35.16.020 Notice of election. Notice of a special corporate limit reduction election shall be published for at least four weeks prior to the election in a newspaper printed and published in the city or town. The notice shall distinctly state the proposition to be submitted, shall designate specifically the area proposed to be excluded and the boundaries of the city or town as they would be after the proposed exclusion of territory therefrom and shall require the voters to cast ballots which contain the words "For reduction of corporate limits" and "Against reduction of corporate limits" or words equivalent thereto. This notice shall be in addition to the notice required by chapter 29.27 RCW.

35.16.030 Canvassing the returns—Abstract of vote. On the Monday next succeeding a special corporate limit reduction election, the canvassing authority shall proceed to canvass the returns thereof and if three-fifths of the votes cast favor the reduction of the corporate limits, the council by an order entered on its minutes shall cause the clerk to make and transmit to the secretary of state a certified abstract of the vote. The abstract shall show the whole number of electors voting, the number of votes cast for reduction and the number of votes cast against reduction.

35.16.040 Effective date of reduction. Immediately after the filing of the abstract of votes with the secretary of state, the city or town council shall adopt an ordinance defining and fixing the corporate limits after excluding the area as determined by the election. The ordinance shall also describe the excluded territory by metes and bounds or by reference to a recorded plat or government survey and declare it no longer a part of the city or town.

35.16.050 Recording of ordinance and plat on effective date of reduction. Immediately upon the ordinance defining the reduced city or town limits going into effect, a certified copy thereof together with a map showing the corporate limits as altered shall be filed and recorded in the office of the county auditor of the county in which the city or town is situated, and thereupon the boundaries shall be as set forth therein.

35.16.060 Effect of exclusion as to liability for indebtedness. The exclusion of an area from the boundaries of a city or town shall not exempt any real property therein from taxation for the purpose of paying any indebtedness of the city or town existing at the time of its exclusion, and the interest thereon.

Chapter 35.17

COMMISSION FORM OF GOVERNMENT

35.17.010 Definition of commission form. The commission form of city government means a city government in which the legislative powers and duties are exercised by a commission of three, consisting of a mayor, a commissioner of finance and accounting, and a commissioner of streets and public improvements, and in which the executive and administrative powers and duties are distributed among the three departments as follows:

- (1) Department of public safety of which the mayor shall be the superintendent;
- (2) Department of finance and accounting of which the commissioner of finance and accounting shall be the superintendent;

(3) Department of streets and public improvements of which the commissioner of streets and public improvements shall be the superintendent.

35.17.020 Elections—Terms of Commissioners—Vacancies. All regular elections in cities organized under the statutory commission form of government shall be held quadrennially and, shall be held on the Tuesday following the first Monday in November in the odd-numbered years, except as provided in RCW 29.13.020 and 29.13.030. The commissioners shall be nominated and elected at large. Their terms shall be for four years until their successors are elected and qualified. If a vacancy occurs in the commission the remaining members shall appoint a person to fill it for the unexpired term.

35.17.030 Laws applicable. Cities organized under the commission form have all the powers of cities of the second class and shall be governed by the statutes applicable to cities of that class to the extent to which they are appropriate and not in conflict with provisions specifically applicable to cities organized under the commission form.

35.17.040 Offices. The commission shall have and maintain an office at the city hall, or such other place as the city may provide.

35.17.050 Meetings. Regular meetings of the commission shall be held on the second Monday after the election of the commissioners and thereafter at least once each week on a day to be fixed by ordinance. Special meetings may be called by the mayor or two commissioners. All meetings of the commission shall be open to the public.

35.17.060 President. The mayor shall be president of the commission. He shall preside at its meetings when present and shall oversee all departments and recommend to the commission, action on all matters requiring attention in any department.

35.17.070 Vice President. The commissioner of finance and accounting shall be vice president of the commission. In the absence or inability of the mayor, he shall perform the duties of president.

35.17.080 Employees of commission. The commission shall appoint by a majority vote a city clerk and such other officers and employees as the commission may by ordinance provide. Any officer or employee appointed by the commission may be discharged at any time by vote of a majority of the members of the commission. Any commissioner may perform any duties pertaining to his department but without additional compensation therefor.

35.17.090 Distribution of powers—Assignment of duties. The commission by ordinance shall determine what powers and duties

are to be performed in each department, shall prescribe the powers and duties of the various officers and employees and make such rules and regulations for the efficient and economical conduct of the business of the city as it may deem necessary and proper. The commission may assign particular officers and employees to one or more departments and may require an officer or employee to perform duties in two or more departments.

35.17.100 Bonds of commissioners and employees. Every member of the city commission, before qualifying, shall give a good and sufficient bond to the city in a sum equivalent to five times the amount of his annual salary, conditioned for the faithful performance of the duties of his office. The bonds must be approved by a judge of the superior court for the county in which the city is located and filed with the clerk thereof. The commission, by resolution, may require any of its appointees to give bond to be fixed and approved by the commission and filed with the mayor.

35.17.105 Clerk may take acknowledgments. The clerk or deputy clerk of any city having a commission form of government shall, without charge, take acknowledgments and administer oaths required by law on all claims and demands against the city.

35.17.110 Salaries of commissioners—In general. In cities having a population of two thousand five hundred, and less than forty-five hundred, the annual salary of the mayor shall be five hundred dollars and that of each of the commissioners two hundred fifty dollars.

In cities having a population of forty-five hundred and less than seven thousand, the annual salary of the mayor shall be fifteen hundred dollars, and that of each of the commissioners twelve hundred dollars.

In cities having a population of seven thousand and less than fourteen thousand the annual salary of the mayor shall be two thousand dollars, and that of each of the commissioners eighteen hundred dollars except as otherwise provided in RCW 35.17.115.

In cities having a population of fourteen thousand and less than twenty thousand, the annual salary of the mayor shall be three thousand two hundred dollars and that of each of the commissioners, two thousand seven hundred dollars.

In cities having a population of twenty thousand and less than thirty thousand the annual salary of the mayor may be any amount up to six thousand dollars and that of each of the commissioners may be any amount up to five thousand five hundred dollars.

The salaries of the mayor and the commissioners shall be payable on a monthly basis.

35.17.115 Salaries of commissioners in certain cities operating public utilities. In cities having a population of seven thousand and

less than fourteen thousand and operating public utilities having a gross annual income of three hundred thousand dollars, the annual salary of the mayor shall be two thousand five hundred dollars, the annual salary of the commissioner of finance and accounting shall be three thousand dollars, and the annual salary of the commissioner of public works shall be two thousand five hundred dollars.

The salaries of the mayor and the commissioners shall be payable on a monthly basis.

35.17.120 Officers and employees—Salaries and wages. All appointive officers and employees shall receive such compensation as the commission shall fix by ordinance, payable monthly or at such shorter periods as the commission may determine.

35.17.130 Officers and employees—Creation—Removal—Changes in compensation. The commission shall have power from time to time to create, fill and discontinue offices and employments other than those herein prescribed, according to their judgment of the needs of the city; and may, by majority vote of all the members, remove any such officer or employees, except as otherwise provided for in this chapter; and may by resolution, or otherwise, prescribe, limit or change the compensation of such officers or employees.

35.17.150 Officers and employees—Passes, free services prohibited, exceptions—Penalty. No officer or employee, elected or appointed, shall receive from any enterprise operating under a public franchise any frank, free ticket, or free service or receive any service upon terms more favorable than are granted to the public generally: *Provided*, That the provisions of this section shall not apply to free transportation furnished to policemen and firemen in uniform nor to free service to city officials provided for in the franchise itself.

Any violation of the provisions of this section shall be a misdemeanor.

35.17.160 Officers and employees—Political activity forbidden. Any appointive officer or employee of the city who in any manner exerts his influence to induce other officers or employees of the city to favor any particular candidate for any city office or who contributes anything in any way to any person for election purposes shall be discharged by the commission.

35.17.170 Financial statements—Monthly—Annual. The commission shall each month print in pamphlet form a detailed itemized statement of all receipts and expenses of the city and a summary of its proceedings during the preceding month and furnish copies thereof to the state library, the city library, the newspapers of the city, and to persons who apply therefor at the office of the

city clerk. At the end of each year the commission shall cause a complete examination of all the books and accounts of the city to be made by competent accountants and shall publish the result of such examination to be made in the manner above provided for publication of statements of monthly expenditures.

35.17.180 Legislative power—How exercised. Each member of the commission shall have the right to vote on all questions coming before the commission. Two members of the commission shall constitute a quorum and the affirmative vote of at least two members shall be necessary to adopt any motion, resolution, ordinance, or course of action.

Every measure shall be reduced to writing and read before the vote is taken and upon every vote the yeas and nays shall be called and recorded.

35.17.190 Legislative ordinances and resolutions. Every resolution and ordinance adopted by the commission shall be signed by the mayor or by two members of the commission and filed and recorded within five days of its passage. The mayor shall have no veto power.

35.17.200 Legislative—Appropriations of money. No money shall be appropriated except by ordinance and every such ordinance complete in the form in which it is finally passed shall remain on file with the city clerk for public inspection at least one week before final passage.

35.17.210 Legislative—Street improvements. Every ordinance or resolution ordering any street improvement or sewer complete in the form in which it is finally passed shall remain on file with the city clerk for public inspection at least one week before final passage.

35.17.220 Legislative—Franchises—Referendum. No franchise or right to occupy or use the streets, highways, bridges, or other public places shall be granted, renewed, or extended except by ordinance and every such ordinance complete in the form in which it is finally passed shall remain on file with the city clerk for at least one week before final passage and if the franchise or grant is for interurban or street railways, gas or water works, electric light or power plants, heating plants, telegraph or telephone systems or other public service utilities, the ordinance must be submitted to a vote of the people at a general or special election and approved by a majority of those voting thereon.

35.17.230 Legislative—Ordinances—Time of going into effect. Ordinances 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 which contain a statement of urgency and are passed by unanimous vote of all the commissioners;
- (3) Ordinances providing for local improvement districts.

35.17.240 Legislative—Referendum—Filing suspends ordinance. Upon the filing of a referendum petition praying therefor, the commission shall reconsider an ordinance subject to referendum and upon reconsideration shall defeat it in its entirety or shall submit it to a vote of the people. The operation of an ordinance so protested against shall be suspended until the referendum petition is finally found insufficient or until the ordinance protested against has received a majority of the votes cast thereon at the election.

35.17.250 Legislative—Referendum—Petitions and conduct of elections. All provisions applicable to the character, form, and number of signatures required for an initiative petition, to the examination and certification thereof, and to the submission to the vote of the people of the ordinance proposed thereby, shall apply to a referendum petition and to the ordinance sought to be defeated thereby.

35.17.260 Legislative—Ordinances by initiative petition. Ordinances may be initiated by petition of electors of the city filed with the commission. If the petition accompanying the proposed ordinance is signed by registered voters in the city equal in number to twenty-five percent of the votes cast for all candidates for mayor at the last preceding city election, and if it contains a request that, unless passed by the commission, the ordinance be submitted to a vote of the people, the commission shall either:

- (1) Pass the proposed ordinance without alteration within twenty days after the city clerk's certificate that the number of signatures on the petition are sufficient; or
- (2) Immediately after the clerk's certificate of sufficiency is attached to the petition, cause to be called a special election to be held not less than thirty nor more than sixty days thereafter, for submission of the proposed ordinance without alteration, to a vote of the people unless a general election will occur within ninety days, in which event submission must be made thereat.

35.17.270 Legislative—Initiative petition—Requirements. Every signer to a petition submitting a proposed ordinance to the commission shall add to his signature his place of residence giving street and number. The signatures need not all be appended to one paper,

but one of the signers on each paper must attach thereto an affidavit stating the number of signatures thereon, that each signature thereon is a genuine signature of the person whose name it purports to be and that the statements therein made are true as he believes.

35.17.280 Legislative—Initiative petition—Checking by clerk. Within ten days from the filing of a petition submitting a proposed ordinance the city clerk shall ascertain and append to the petition his certificate stating whether or not it is signed by a sufficient number of registered voters, using the registration records and returns of the preceding municipal election for his sources of information, and the commission shall allow him extra help for that purpose, if necessary. If the signatures are found by the clerk to be insufficient the petition may be amended in that respect within ten days from the date of the certificate. Within ten days after submission of the amended petition the clerk shall make an examination thereof and append his certificate thereto in the same manner as before. If the second certificate shall also show the number of signatures to be insufficient, the petition shall be returned to the person filing it.

35.17.290 Legislative—Initiative petition—Appeal to court. If the clerk finds the petition insufficient or if the commission refuses either to pass an initiative ordinance or order an election thereon, any taxpayer may commence an action in the superior court against the city and procure a decree ordering an election to be held in the city for the purpose of voting upon the proposed ordinance if the court finds the petition to be sufficient.

35.17.300 Legislative—Initiative—Conduct of election. Publication of notice, the election, the canvass of the returns and declaration of the results, shall be conducted in all respects as are other city elections. Any number of proposed ordinances may be voted on at the same election, but there shall not be more than one special election for that purpose during any one six-months period.

35.17.310 Legislative—Initiative—Notice of election. The city clerk shall cause any ordinance or proposition required to be submitted to the voters at an election to be published once in each of the daily newspapers in the city not less than five nor more than twenty days before the election, or if no daily newspaper is published in the city, publication shall be made in each of the weekly newspapers published therein. This publication shall be in addition to the notice required in chapter 29.27 RCW.

35.17.320 Legislative—Initiative—Ballots. The ballots used for voting upon a proposed ordinance shall be similar to those used at a general municipal election in that city and shall contain the words

“for the ordinance” (stating the nature of the proposed ordinance) and “against the ordinance” (stating the nature of the proposed ordinance).

35.17.330 Legislative—Initiative—Effective date—Record. If the number of votes cast thereon favor the proposed ordinance, it shall become effective immediately and shall be made a part of the record of ordinances of the city.

35.17.340 Legislative—Initiative—Repeal or amendment. Upon the adoption of an ordinance initiated by petition, the city clerk shall write on the margin of the record thereof “ordinance by petition No.,” or “ordinance by vote of the people,” and it cannot be repealed or amended except by a vote of the people.

35.17.350 Legislative — Initiative — Repeal or amendment — Method. The commission may by means of an ordinance submit a proposition for the repeal or amendment of an ordinance, initiated by petition, by submitting it to a vote of the people at any general election and if a majority of the votes cast upon the proposition favor it, the ordinance shall be repealed or amended accordingly.

A proposition of repeal or amendment must be published before the election thereon as is an ordinance initiated by petition when submitted to election.

35.17.360 Legislative—Initiative—Repeal or amendment—Record. Upon the adoption of a proposition to repeal or amend an ordinance initiated by petition, the city clerk shall write upon the margin of the record of the ordinance “repealed (or amended) by ordinance No.,” or “repealed (or amended) by vote of the people.”

35.17.370 Organization on commission form—Eligibility—Census. Any city having a population of two thousand and less than thirty thousand may organize as a city under the commission form of government. The requisite population shall be determined by the last preceding state or federal census or the council may cause a census to be taken by one or more suitable persons, in which the full name of each person in the city shall be plainly written, the names alphabetically arranged and regularly numbered in a complete series, verified before an officer authorized to administer oaths and filed with the city clerk.

35.17.380 Organization—Petition. Upon petition of electors in any city equal in number to twenty-five percent of the votes cast for all candidates for mayor at the last preceding city election therein, the mayor by proclamation shall cause to be submitted the question of organizing the city under the commission form of gov-

ernment at a special election at a time specified therein and within sixty days after the filing of the petition. If the plan is not adopted at the special election called, it shall not be resubmitted to the voters of the city for adoption within two years thereafter.

35.17.390 Organization—Ballots. The proposition on the ballot shall be: "Shall the proposition to organize the city of (name of city) under the commission form of government be adopted?" followed by the words: "For organization as a city under commission form" and "against organization as a city under commission form." The election shall be conducted, the vote canvassed, and the result declared in the same manner as provided by law in respect to other city elections. If a majority of the votes cast are in favor thereof the city shall proceed to elect a mayor and two commissioners.

35.17.400 Organization—Election of new officers—Term. The first election of commissioners shall be held within sixty days after the adoption of the proposition to organize under the commission form, and the commission first elected shall commence to serve as soon as they have been elected and have qualified and shall continue to serve until their successors have been elected and qualified.

35.17.410 Organization — Effect on ordinances — Boundaries — Property. All bylaws, ordinances and resolutions in force when a city organizes under the commission form shall remain in force until amended or repealed.

The boundaries of a city reorganized under the commission form shall not be changed thereby.

All rights and property vested in the city before reorganization under the commission form shall vest in the city as reorganized and no right or liability either in favor of or against it, existing at the time and no suit or prosecution shall be affected by the change.

35.17.420 Organization—Revision of appropriations. If, at the beginning of the term of office of the first commission elected in a city organized under the commission form, the appropriations for the expenditures of the city for the current fiscal year have been made, the commission, by ordinance, may revise them.

35.17.430 Abandonment of commission form. Any city which has operated under the commission form for more than six years may again reorganize as a noncommission city of the highest class for which its population qualifies it.

35.17.440 Abandonment—Method. Upon the filing of a petition praying therefor, signed by not less than twenty-five percent of the registered voters resident in the city, a special election shall be called at which the following proposition only shall be submitted:

“Shall the city of (name of city) abandon its organization as a city under the commission form and become a city under the general laws governing cities of like population?”

35.17.450 Abandonment—Conduct of election—Canvass. The sufficiency of the petition for the abandonment of the commission form of city government shall be determined, the election ordered and conducted, the returns canvassed and the results declared as required by the provisions applicable to the proceedings for the enactment of an ordinance by initiative petition to the extent to which they are appropriate.

35.17.460 Abandonment—Effect. If a majority of the votes cast upon the proposition of abandoning the commission form of city government favor the proposition, the city shall be reorganized under general laws immediately upon the first election of city officers, which shall be held on the date of the next general city election of cities of its class. The change in form of government shall not affect the property, rights, or liabilities of the city.

Chapter 35.18

COUNCIL-MANAGER PLAN

35.18.010 The council-manager plan. Under the council-manager plan of city government, the councilmen shall be the only elective officials. The council shall appoint an officer whose title shall be “city manager” who shall be the chief executive officer and head of the administrative branch of city or town government. The city manager shall be responsible to the council for the proper administration of all affairs of the city or town.

35.18.020 Number of councilmen—Terms—Vacancies. The number of councilmen shall be in proportion to the population of the city or town indicated in its petition for incorporation and thereafter shall be in proportion to its population as last determined by the state census board as follows:

(1) A city or town having not more than two thousand inhabitants, five councilmen;

(2) A city having more than two thousand, seven councilmen.

All councilmen shall be elected at large or from such wards or districts as may be established by ordinance, and shall serve for a term of four years and until their successors are elected and qualified: *Provided, however,* That at the first election, the following shall apply:

(a) At the first election, one councilman shall be nominated and elected from each ward or such other existing district of said city

as may have been established for the election of members of the legislative body of the city and the remaining councilmen shall be elected at large; but if there are no such wards or districts in the city, or at an initial election for the incorporation of a community, the councilmen shall be elected at large.

(b) In cities electing five councilmen, the candidates having the three highest number of votes shall be elected for a four year term and the other two for a two year term and until their successors are elected and qualified.

(c) In cities electing seven councilmen, the candidates having the four highest number of votes shall be elected for a four year term and the other three for a two year term and until their successors are elected and qualified.

(d) In determining the candidates receiving the highest number of votes, only the candidate receiving the highest number of votes in each ward, as well as the councilman-at-large or councilmen-at-large, are to be considered. When a municipality has qualified for an increase in the number of councilmen from five to seven by virtue of the next succeeding state census board population determination after the majority of the voters thereof have approved operation under the council-manager plan, at the first election when two additional councilmen are to be elected, one of the two additional councilmen receiving the highest number of votes shall be elected for a four year term and the other additional councilman shall be elected for a two year term.

If a vacancy in the council occurs, the remaining members shall appoint a person to fill such office only until the next regular general municipal election at which a person shall be elected to serve for the remainder of the unexpired term.

In the event such population determination as provided in this section requires an increase in the number of councilmen, the city or town council shall fill the additional councilmanic positions by appointment not later than thirty days following the release of said population determination, and the appointee shall hold office only until the next regular city or town election at which a person shall be elected to serve for the remainder of the unexpired term: *Provided*, That should said population determination result in a decrease in the number of councilmen, said decrease shall not take effect until the next regular city or town election.

35.18.030 Laws applicable to council-manager cities—Civil service. A city or town organized under the council-manager plan shall have all the powers which cities of its class have and shall be governed by the statutes applicable to such cities to the extent to which they are appropriate and not in conflict with the provisions specifically applicable to cities organized under the council-manager plan.

Any city adopting a council-manager form of government may adopt any system of civil service which would be available to it under any other form of city government. Any state law relative to civil service in cities of the class of a city under the council-manager type of government shall be applicable thereto.

35.18.040 City manager—Qualifications. The city manager need not be a resident. He shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office. No person elected to membership on the council shall be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he was elected.

35.18.050 City manager—Bond and oath. Before entering upon the duties of his office the city manager shall take the official oath for the support of the government and the faithful performance of his duties and shall execute and file with the clerk of the council a bond in favor of the city or town in such sum as may be fixed by the council.

35.18.060 City manager—Authority. The powers and duties of the city manager shall be:

(1) To have general supervision over the administrative affairs of the municipality;

(2) To appoint and remove at any time all department heads, officers, and employees of the city or town, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: *Provided*, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of the city planning commission, and other advisory citizens' committees, commissions and boards advisory to the city council: *Provided further*, That the city manager shall appoint the police judge, subject to confirmation by the council. The council may cause an audit to be made of any department or office of the city or town government and may select the persons to make it, without the advice or consent of the city manager;

(3) To attend all meetings of the council at which his attendance may be required by that body;

(4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;

(5) To recommend for adoption by the council such measures as he may deem necessary or expedient;

(6) To prepare and submit to the council such reports as may

be required by that body or as he may deem it advisable to submit;

(7) To keep the council fully advised of the financial condition of the city or town and its future needs;

(8) To prepare and submit to the council a tentative budget for the fiscal year;

(9) To perform such other duties as the council may determine by ordinance or resolution.

35.18.070 City manager—May serve two or more cities. Whether the city manager shall devote his full time to the affairs of one city or town shall be determined by the council. A city manager may serve two or more cities or towns in that capacity at the same time.

35.18.080 City manager—Creation of departments. On recommendation of the city manager, the council may create such departments, offices and employments as may be found necessary and may determine the powers and duties of each department or office.

35.18.090 City manager—Department heads—Authority. The city manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. Any officer or employee who may be appointed by the city manager, or by the head of a department or office, except one who holds his position subject to civil service, may be removed by the manager or other such appointing officer at any time. Subject to the provisions of RCW 35.18.060, the decision of the manager or other appointing officer, shall be final and there shall be no appeal therefrom to any other office, body, or court whatsoever.

35.18.100 City manager—Appointment of subordinates—Qualifications—Terms. Appointments made by or under the authority of the city manager shall be on the basis of executive and administrative ability and of the training and experience of the appointees in the work which they are to perform. Residence within the city or town shall not be a requirement. All such appointments shall be without definite term.

35.18.110 City manager — Interference by council members. Neither the council, nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the city manager or any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any committee or member thereof shall give orders to any subordinate of the city manager, either publicly or privately: *Provided, however,* That nothing herein shall be con-

strued to prohibit the council, while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.

35.18.120 City manager—Removal—Resolution and notice. The city manager shall be appointed for an indefinite term and may be removed by a majority vote of the council.

At least thirty days before the effective date of his removal, the city manager must be furnished with a formal statement in the form of a resolution passed by a majority vote of the city council stating the council's intention to remove him and the reasons therefor. Upon passage of the resolution stating the council's intention to remove the manager, the council by a similar vote may suspend him from duty, but his pay shall continue until his removal becomes effective.

35.18.130 City manager—Removal—Reply and hearing. The city manager may, within thirty days from the date of service upon him of a copy thereof, reply in writing to the resolution stating the council's intention to remove him. In the event no reply is timely filed, the resolution shall upon the thirty-first day from the date of such service, constitute the final resolution removing the manager, and his services shall terminate upon that day. If a reply shall be timely filed with its clerk, the council shall fix a time for a public hearing upon the question of the manager's removal and a final resolution removing the manager shall not be adopted until a public hearing has been had. The action of the council in removing the manager shall be final.

35.18.140 City manager—Substitute. The council may designate a qualified administrative officer of the city or town to perform the duties of manager:

- (1) Upon the adoption of the council-manager plan, pending the selection and appointment of a manager; or
- (2) Upon the termination of the services of a manager, pending the selection and appointment of a new manager; or
- (3) During the absence, disability, or suspension of the manager.

35.18.150 Council—Eligibility. Only a qualified elector of the city or town may be a member of the council and upon ceasing to be such, or upon being convicted of a crime involving moral turpitude, or of violating the provisions of RCW 35.18.110, he shall immediately forfeit his office.

35.18.160 Council—Authority. The council shall have all of the powers which inhere in the city or town not reserved to the people

or vested in the city manager, including but not restricted to the authority to adopt ordinances and resolutions.

35.18.170 Council meetings. The council shall meet at the times and places fixed by ordinance but must hold at least one regular meeting each month. The clerk shall call special meetings of the council upon request of the mayor or any two members. At all meetings of the city council, a majority of the councilmen shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. Requests for special meetings shall state the subject to be considered and no other subject shall be considered at a special meeting.

All meetings of the council and of committees thereof shall be open to the public and the rules of the council shall provide that citizens of the city or town shall have a reasonable opportunity to be heard at any meetings in regard to any matter being considered thereat.

35.18.180 Council—Ordinances—Recording. No ordinance, resolution, or order, including those granting a franchise or valuable privilege, shall have any validity or effect unless passed by the affirmative vote of at least a majority of the members of the city or town council. Every ordinance or resolution adopted shall be signed by the mayor or two members, filed with the clerk within two days and by him recorded.

35.18.190 Mayor—Election. Biennially at the first meeting of the new council the members thereof shall choose a chairman from among their number who shall have the title of mayor. In addition to the powers conferred upon him as mayor, he shall continue to have all the rights, privileges and immunities of a member of the council.

35.18.200 Mayor—Duties. The mayor shall preside at meetings of the council, and be recognized as the head of the city or town for all ceremonial purposes and by the governor for purposes of military law.

He shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by the council, shall take command of the police, maintain law, and enforce order.

35.18.210 Mayor pro tempore. If a vacancy occurs in the office of mayor, or in case of the incumbent's absence or disability, a mayor pro tempore selected by the members of the council from among their number shall act as mayor for the unexpired term or during the continuance of the absence or disability.

35.18.220 Salaries. Each member of the council shall receive such compensation as may be provided by law to cities of the class to which it belongs. The city manager and other officers or assistants shall receive such salary or compensation as the council shall fix by ordinance and shall be payable at such times as the council may determine.

35.18.230 Organization on council-manager plan—Eligibility. Any city or town having a population of less than thirty thousand may be organized as a council-manager city or town under this chapter.

35.18.240 Organization—Petition. Petitions to reorganize a city or town on the council-manager plan must be signed by registered voters resident therein equal in number to at least twenty percent of the votes cast for all candidates for mayor at the last preceding municipal election. In addition to the signature and residence addresses of the petitioners thereon, a petition must contain an affidavit stating the number of signers thereon at the time the affidavit is made.

Petitions containing the required number of signatures shall be accepted by the city or town clerk as prima facie valid until their invalidity has been proved.

A variation on such petitions between the signatures on the petition and that on the voter's permanent registration caused by the substitution of initials instead of the first or middle names or both shall not invalidate the signature on the petition if the surname and handwriting are the same. Signatures, including the original, of any voter who has signed such petitions two or more times shall be stricken.

35.18.250 Organization—Election procedure. Upon the filing of a petition for the adoption of the council-manager plan of government, or upon resolution of the council to that effect, the mayor, only after the petition has been found to be valid, by proclamation issued within ten days after the filing of the petition or the resolution with the clerk, shall cause the question to be submitted at a special election to be held at a time specified in the proclamation, which shall be as soon as possible after the sufficiency of the petition has been determined or after the said resolution of the council has been enacted, but in no event shall said special election be held during the ninety day period immediately preceding any regular municipal election therein. All acts necessary to hold this election, including legal notice, jurisdiction and canvassing of returns, shall be conducted in accordance with existing law.

35.18.260 Organization—Ballots. At the election for organization on the council-manager plan, the proposition on the ballots

shall be: "Shall the city (or town) of _____ adopt the council-manager plan of municipal government?" followed by the words:

"For organization as a council-manager city or town _____."

"Against organization as a council-manager city or town _____."

The election shall be conducted, the vote canvassed and the results declared in the same manner as provided by law in respect to other municipal elections.

35.18.270 Organization—Election of council, procedure. If the majority of the votes cast at a special election for organization on the council-manager plan favor the plan, the city or town at its next regular election shall elect the council required under the council-manager plan in number according to the population of the municipality: *Provided*, That if the date of the next municipal general election is more than one year from the date of the election approving the council-manager plan, a special election shall be held to elect the councilmen; the newly elected councilmen shall assume office immediately following the canvass of votes as certified and shall remain in office until their successors are elected and qualified. Councilmen shall take office at the time provided by general law. Declarations of candidacy for city or town elective positions under the council-manager plan for cities and towns shall be filed with the city or town clerk as the case may be not more than forty-five nor less than thirty days prior to said special election to elect the members of the city council. Any candidate may file a written declaration of withdrawal at any time within five days after the last day for filing a declaration of candidacy. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in group under the designation of the title of the offices for which they are candidates. There shall be no rotation of names.

35.18.280 Organization—Holding over by incumbent officials and employees. Councilmen shall take office at the times provided by RCW 35.18.270 as now or hereafter amended. The other city officials and employees who are incumbent at the time the council-manager plan takes effect shall hold office until their successors have been selected in accordance with the provisions of this chapter.

35.18.285 Organization—First council may revise budget. If, at the beginning of the term of office of the first council elected in a city organized under the council-manager plan, the appropriations for the expenditures of the city for the current fiscal year have been made, the council, by ordinance, may revise them but may not exceed the total appropriations for expenditures already specified in the budget for the year.

35.18.290 Abandonment of council-manager plan. Any city or town which has operated under the council-manager plan for more than six years may abandon such organization and accept the provisions of the general laws then applicable to municipalities of the highest class for which its population qualifies it, upon the petition of not less than twenty percent of the registered voters therein.

35.18.300 Abandonment—Method. The sufficiency of the petition for abandonment of the council-manager form of government shall be determined, the election ordered and conducted, and the results declared generally as provided for the procedure for reorganizing under the council-manager plan so far as those provisions are applicable.

35.18.310 Abandonment—Special election necessary. The proposition to abandon the council-manager plan must be voted on at a special election called for that purpose at which the only proposition to be voted on shall be: "Shall the city (or town) of abandon its organization under the council-manager plan and become a city (or town) under the general law governing cities (or towns) of class?"

35.18.320 Abandonment—Effect. If a majority of votes cast at the special election favor the abandonment of the council-manager form of government, the officers elected at the next succeeding biennial election shall be those then prescribed for cities or towns of like class. Upon the qualification of such officers, the municipality shall again become organized under the general laws of the state, but such change shall not affect in any manner or degree the property, rights, or liabilities of the corporation but shall merely extend to such change in its form of government.

Chapter 35.20

MUNICIPAL COURTS—CITIES OVER FIVE HUNDRED THOUSAND

35.20.010 Municipal court established. There is hereby created and established in each incorporated city of this state having a population of more than five hundred thousand inhabitants, as shown by the federal or state census, which ever is the later, a municipal court, which shall be styled "The Municipal Court of (name of city)," hereinafter designated and referred to as the municipal court, which court shall have jurisdiction and shall exercise all the powers by this chapter declared to be vested in such municipal court, together with such powers and jurisdiction as is generally conferred in this state either by common law or statute.

35.20.020 Sessions—Judges may act as magistrates—Night court. The municipal court shall be always open except on nonjudicial days. It shall hold regular and special sessions at such times as may be prescribed by the judges thereof. The judges shall have the power to act as magistrates in accordance with the provisions of chapter 10.16. The legislative body of the city may by ordinance authorize a department of the municipal court to act as a night court, and shall appropriate the necessary funds therefor.

35.20.030 Jurisdiction—Review—Costs. The municipal court shall have exclusive original jurisdiction to try violations of all city ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances. It is empowered to forfeit cash bail or bail bonds and issue execution thereon, to hear and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith: *Provided*, That for a violation of the criminal provisions of an ordinance no greater punishment shall be imposed than a fine of five hundred dollars or imprisonment in the city jail not to exceed six months, or both such fine and imprisonment. All civil and criminal proceedings in municipal court, and judgments rendered therein, shall be subject to review in the superior court by writ of review or on appeal. Costs in civil and criminal cases may be taxed as provided in justice of the peace courts.

35.20.040 Appeals to superior court—Procedure. Appeals in actions brought under RCW 35.20.030 shall be taken to the superior court in and for the county wherein the municipal court is situated by oral notice in open court at the time judgment is rendered, or by serving a copy of a written notice of appeal upon the attorney for the opposing party and filing the original thereof, together with acknowledgment or affidavit of such service, with the clerk of the municipal court within ten days after the judgment shall have been pronounced. After notice appellant shall diligently prosecute the appeal, and within ten days of the notice of appeal shall file with the clerk of the municipal court an appeal bond or cash in such amount as may be fixed by the court conditioned as provided in RCW 35.20.060. Within a period of thirty days from the date of entry of the judgment by the judge, the clerk of the municipal court shall file with the clerk of the superior court a transcript duly certified by the judge hearing the case, which shall contain a copy of all written pleadings and docket entries of the municipal court, and shall also deliver to said court any exhibits introduced in evidence in the trial in the municipal court, which exhibits may be offered in evidence if a trial is had in the superior court; otherwise to be returned to the custody of the municipal court. No charge

shall be made for the transcript. The appellant shall note the case for trial in the superior court not later than ten days from the expiration date for the clerk to file the transcript with the clerk of the superior court.

35.20.050 Criminal appeals—Commitment to city jail—Recognition bond. In criminal actions wherein the appellant has been committed to the city jail, he shall remain committed until he shall recognize or give bond to the city in such reasonable sum and with such sureties as provided in RCW 35.20.040.

35.20.060 Dismissal of appeal. Failure to proceed with the appeal within the time and in the manner herein provided shall render the appeal ineffectual for any purpose. Upon dismissal of the appeal for failure of appellant to proceed diligently in the manner herein prescribed or for any other cause, the judgment of the municipal court shall be enforced by the municipal court. If, at the time of such dismissal, a cash deposit or appeal bond has been furnished and shall be in the custody of the clerk of the superior court, the cash deposit or bond shall be returned to the municipal court, together with the order of dismissal and such original files and exhibits as may have been forwarded by the municipal court. The municipal court is empowered to forfeit the cash bail or bond and to issue execution thereon for the breach of any condition thereof.

35.20.070 Trial in superior court—Costs—Further appeal. In the superior court the trial shall be de novo, subject, however, to the right of the city to file an amended complaint therein in criminal cases. If the defendant be convicted in the superior court, he shall be sentenced anew by the superior court judge to pay a fine of not to exceed five hundred dollars or to imprisonment in the city jail for not to exceed six months, or both such fine and imprisonment. Neither the appellant nor the respondent shall be required to pay in advance any fee for filing or prosecuting the appeal in a criminal case, but if the appellant is convicted he may be required, as a part of the sentence, to pay the costs of prosecution which shall be taxed in the amount and manner of costs in criminal prosecutions in the superior court, in addition to the costs taxed in the municipal court. If the appellant be acquitted, he shall have judgment against the city for his costs to be fixed and taxed in the same manner. From judgment of the superior court appeal shall lie to the supreme court as in other superior court actions.

35.20.080 Transfer of causes upon effective date of chapter. All cases, proceedings and matters now pending before justices of the peace who immediately prior to the effective date of this chapter

were acting as municipal judges in first class cities of over five hundred thousand population, shall upon the effective date hereof (June 8, 1955) be transferred to the municipal court, together with all files, records and proceedings relating to such cases, and shall be disposed of therein in due course of law. This chapter shall not affect any appeal from any police justice or municipal judge, commenced and pending prior to its effective date, but such appeal shall be conducted and concluded as if this chapter had not been enacted, except that if remanded from the superior court the municipal court shall have authority and power to forfeit bail or bond or impose sentence thereon.

35.20.090 Trial by jury—Juror's fees. In all civil cases and criminal cases where jurisdiction is concurrent with justices of the peace as provided in RCW 35.20.250, within the jurisdiction of the municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before justices of the peace, or the trial may be by a judge of the municipal court. Each juror shall receive five dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage as provided by law. No trial by jury shall be allowed in criminal cases involving violations of city ordinances.

35.20.100 Departments of court—Change of venue. There shall be two departments of the municipal court, provided that the legislative body of the city shall create one additional department for each additional one hundred fifty thousand inhabitants over five hundred thousand, as determined by the most recent federal or state census. The latter shall be as provided by chapter 96, section 2, Laws of 1951 as now or hereafter amended (RCW 43.62.030). Each department shall be presided over by a municipal judge who shall be elected as hereinafter provided. The departments shall be established in such places as may be provided by the legislative body of the city. A change of venue from the municipal court to a justice of the peace where the court has concurrent jurisdiction with justices of the peace as provided in RCW 35.20.250 shall be allowed in accordance with the provisions of RCW 3.20.100 and RCW 3.20.110 in all civil and criminal proceedings, but shall not be allowed between departments of the court.

35.20.110 Seal of court—Extent of process. The municipal court shall have a seal which shall be the vignette of George Washington, with the words "Seal of The Municipal Court of (name of city), State of Washington," surrounding the vignette. All process from such court shall issue under the seal thereof and shall run throughout the state.

35.20.120 Expenses of court. All blanks, books, papers, stationery and furniture necessary for the transaction of business and the keeping of records of the court shall be furnished at the expense of the city, except those expenses incidental to the operation of the court in matters brought before the court because of concurrent jurisdiction with justices of the peace, which expense shall be borne by the county and paid out of the county treasury. All other expenses on account of such court which may be authorized by the city council or the county commissioners and which are not specifically mentioned in this chapter, shall be paid respectively out of the city treasury and county treasury.

35.20.130 Department No. 2—Traffic cases. The department of the municipal court which shall be designated as Department No. 2 shall be primarily responsible for the disposition of traffic cases and the supervision of the traffic violations bureau or similar agency of the city.

35.20.140 Monthly meeting of judges—Rules and regulations of court. It shall be the duty of the judges to meet together at least once each month, except during the months of July and August, at such hour and place as they may designate, and at such other times as they may desire, for the consideration of such matters pertaining to the administration of justice in said court as may be brought before them. At these meetings they shall receive and investigate, or cause to be investigated, all complaints presented to them pertaining to the court and the employees thereof, and shall take such action as they may deem necessary or proper with respect thereto. They shall have power and it shall be their duty to adopt, or cause to be adopted, rules and regulations for the proper administration of justice in said court.

35.20.150 Election of judges—Vacancies. The municipal judges shall be elected on the first Tuesday after the first Monday in November, 1958, and on the first Tuesday after the first Monday of November every fourth year thereafter by the electorate of the city in which the court is located. The auditor of the county concerned shall designate by number each position to be filled in the municipal court, and each candidate at the time of the filing of his declaration of candidacy shall designate by number so assigned the position for which he is a candidate, and the name of such candidate shall appear on the ballot only for such position. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a single nonpartisan position shall appear on the general election ballot under the designation therefor: *Provided*, That if any candidate in the primary receives a majority of all of the votes cast for the position,

only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter. Elections for municipal judge shall be nonpartisan. They shall hold office for a term of four years and until their successors are elected and qualified. The term of office shall start on the second Monday in January following such election. Any vacancy in the municipal court due to a death, disability or resignation of a municipal court judge shall be filled by the mayor, to serve out the unexpired term. Such appointment shall be subject to confirmation by the legislative body of the city.

35.20.160 Judges' salaries. The total of the salaries of each municipal judge under this chapter shall be fixed by the legislative body of the city at not less than nine thousand dollars per annum, to be paid in monthly or semimonthly installments as for other officials of the city or county, and such total salaries shall not be more than the salaries paid the superior court judges in the county in which the court is located. Three thousand dollars of the total salaries shall be paid by the county treasurer and the remainder shall be paid by the city treasurer.

35.20.170 Qualifications of judges—Practice of law prohibited. No person shall be eligible to the office of judge of the municipal court unless he shall have been admitted to practice law before the courts of record of this state and is an elector of the city in which he files for office. No judge of said court during his term of office shall engage either directly or indirectly in the practice of law.

35.20.180 Judges' oath of office, official bonds. Every judge of such municipal court, before he enters upon the duties of his office, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully discharge the duties of the office of judge of the municipal court of the city of (naming such city) according to the best of my ability; and I do further certify that I do not advocate, nor am I a member of an organization that advocates, the overthrow of the government of the United States by force or violence." The oath shall be filed in the office of the county auditor. He shall also give such bonds to the state and city for the faithful performance of his duties as may be by law or ordinance directed.

35.20.190 Additional judge. Whenever the number of departments of the municipal court is increased as authorized under the provisions of RCW 35.20.100, the mayor of such city shall appoint a

qualified person as provided in RCW 35.20.170 to act as municipal judge until the next general election. He shall be paid salaries in accordance with the provisions of this chapter and provided with the necessary court, office space and personnel as authorized herein.

35.20.200 Judges pro tempore. The mayor shall, from attorneys residing in the city and qualified to hold the position of judge of the municipal court as provided in RCW 35.20.170, appoint judges pro tempore who shall act in the absence of the regular judges of the court. Such appointments shall be made from a list of attorneys in accordance herewith furnished by the judges of the municipal court, which list shall contain not less than five names in addition to the number of judges pro tempore requested. Appointment of judges pro tempore shall be for the term of office of the regular judges unless sooner removed in the same manner as they were appointed. While acting as judge of the court judges pro tempore shall have all of the powers of the regular judges. Before entering upon his duties, each judge pro tempore shall take, subscribe and file an oath as is taken by a municipal judge. Judges pro tempore shall not practice before the municipal court during their term of office as judge pro tempore. Such municipal judges pro tempore shall receive such compensation as shall be fixed by ordinance by the legislative body of the city and such compensation shall be paid by the city.

35.20.210 Clerks of court. There shall be a chief clerk of the municipal court appointed by the city comptroller from the civil service clerical employees performing duties and clerical work relating to the functions of the court. Upon this chapter becoming effective (June 8, 1955) those employees connected with the court under civil service status shall be continued in such employment and such classification under the department of the city comptroller of such city. Before he enters upon the duties of his office the chief clerk shall take and subscribe an oath the same as other city officers, and shall execute to his city a penal bond in such sum and with such sureties as the legislative body of the city may direct and subject to their approval, conditioned that he will faithfully account to and pay over to the treasurer of said city all moneys coming into his hands as such clerk, and that he will faithfully perform the duties of his office to the best of his knowledge and ability. Upon the recommendation of the judge or judges of the municipal court, the legislative body of the city may provide for the appointment of such assistant clerks of the municipal court when they deem the same necessary, with such compensation as they may deem reasonable and such assistant clerks shall be subject to such civil service as may be provided in such city: *Provided*, That the judges

of the municipal court shall appoint such clerks as the board of county commissioners may determine to handle cases involving violations of state law, wherein the court has concurrent jurisdiction with justices of the peace and the superior court. All clerks of the court shall have power to administer oaths, swear and acknowledge signatures of those persons filing complaints with the court, take testimony in any action, suit or proceeding in the court relating to the city or county for which they are appointed, and may certify any records and documents of the court pertaining thereto. They shall give bond for the faithful performance of their duties as required by law.

35.20.220 Powers and duties of chief clerk. The chief clerk, under the supervision and direction of the city comptroller, shall have the custody and care of the books, papers and records of said court; he shall be present by himself or deputy during the session of said court, and shall have the power to swear all witnesses and jurors, and administer oaths and affidavits, and take acknowledgments. He shall keep the records of said court, and shall issue all process under his hand and the seal of said court, and shall do and perform all things and have the same powers pertaining to his office as the clerks of the superior courts have in their office. He shall receive all fines, penalties and fees of every kind, and keep a full, accurate and detailed account of the same; and shall on each day pay into the city treasury all moneys received for said city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

35.20.230 Probation officers—Bailiffs. The judges of the municipal court shall appoint a probation officer and bailiff for the court, together with such additional probation officers or bailiffs as may be authorized by the legislative body of the city. Said probation officer and bailiff shall be paid by the city treasurer in such amount as is deemed reasonable by the legislative body of the city. Such additional probation officers and bailiffs of the court as may be authorized by the legislative body of the city or the county commissioners shall be paid respectively from the city and/or county treasuries.

35.20.240 First judges—Transfer of equipment. Upon the effective date of this chapter (June 8, 1955), any justice of the peace who was the duly appointed and acting police justice of the city shall become a judge of the municipal court upon his filing his oath of office and bond as required by this chapter, and shall serve as a judge of said municipal court until the regularly elected judges of the court shall qualify following their election in 1958, or thereafter as provided in RCW 35.20.150. Such judge shall be paid salaries in

accordance with this chapter while so serving. Such salaries from the city and county shall be in lieu of those now (June 8, 1955) being paid to the justice of the peace acting as police justice of the city court: *Provided*, That upon the justices of the peace qualifying as municipal judges under this chapter, the number of justices of the peace for such city shall be reduced accordingly as provided in RCW 35.20.190. Should any justice of the peace acting as police judge fail to qualify as a judge of the municipal court, the mayor of such city shall designate one of the other justices of the peace of that city to act as municipal judge until the next general election in November, 1958, and the qualifying of the regularly elected judge. All furniture and equipment belonging to the city and county in which the court is situated, now under the care and custody of the justice of the peace and municipal judge, shall be transferred to the municipal court for use in the operation and maintenance of such court.

35.20.250 Concurrent jurisdiction with superior court and justice of the peace. The municipal court shall have concurrent jurisdiction with the superior court and justices of the peace in all civil and criminal matters as now provided by law for justices of the peace, and a judge thereof may sit in preliminary hearings as magistrate. Judges of the municipal court, in their discretion, shall have the power to suspend all or part of any sentence, and fix the terms thereof, and provide for such probation and parole as in their opinion is reasonable and necessary under the circumstances of the case. Fines and forfeitures before the court under the provisions of this section shall be paid to the county treasurer as provided for justices of the peace and commitments shall be to the county jail. Appeals from judgment or order of the court in such cases shall be governed by the law pertaining to appeals from judgments or orders of justices of the peace.

35.20.260 Subpoenas—Witness fees. The court shall have authority to subpoena witnesses as now authorized in superior courts throughout the state. Such witnesses shall be paid according to law with mileage as authorized for witnesses to such cases.

35.20.900 Construction of prior law. The provisions of RCW 35.22.420, 35.22.430, 35.22.440, 35.22.450, 35.22.460, 35.22.480, 35.22.490, 35.22.510, 35.22.520, 35.22.530, 35.22.540, 35.22.550 and 35.22.560, insofar as inconsistent with the provisions of this chapter shall apply only to cities of the first class having a population of less than five hundred thousand inhabitants.

35.20.910 Construction of other laws. All acts or parts of acts not specifically repealed or modified by RCW 35.20.900, which are

inconsistent or conflicting with the provisions of this chapter, are hereby repealed or modified accordingly. No provision of this chapter shall be construed as repealing or anywise limiting or affecting the jurisdiction of justices of the peace under the general laws of this state.

Chapter 35.21

MISCELLANEOUS PROVISIONS AFFECTING ALL CITIES AND TOWNS

35.21.010 General corporate powers—Municipal corporations of the fourth class, restrictions as to area. Municipal corporations now or hereafter organized are bodies politic and corporate under the name of the city of, or the town of, as the case may be, and as such may sue and be sued, contract or be contracted with, acquire, hold, possess and dispose of property, subject to the restrictions contained in other chapters of this title, having a common seal, and change or alter the same at pleasure, and exercise such other powers, and have such other privileges as are conferred by this title: *Provided*, That not more than two square miles in area shall be included within the corporate limits of municipal corporations of the fourth class, nor shall more than twenty acres of unplatted land belonging to any one person be taken within the corporate limits of municipal corporations of the fourth class without the consent of the owner of such unplatted land: *Provided further*, That the original incorporation of municipal corporations of the fourth class shall be limited to an area of not more than one square mile and a population as prescribed in RCW 35.01.040.

35.21.020 Auditoriums, art museums, swimming pools, etc.—Power to acquire. Any city or town in this state acting through its council or other legislative body, and any separately organized park district acting through its board of park commissioners or other governing officers, shall have power to acquire by donation, purchase or condemnation, and to construct and maintain public auditoriums, art museums, swimming pools, and athletic and recreational fields, including golf courses, buildings and facilities within or without its parks, and to use or let the same for such public and private purposes for such compensation and rental and upon such conditions as its council or other legislative body or board of park commissioners shall from time to time prescribe.

35.21.030 Auxiliary water systems for protection from fire. Any city or town shall have power to provide for the protection of such

city or town, or any part thereof, from fire, and to establish, construct and maintain an auxiliary water system, or systems, or extensions thereof, or additions thereto, and the structures and works necessary therefor or forming a part thereof, including the acquisition or damaging of lands, rights-of-way, rights, property, water rights, and the necessary sources of supply of water for such purposes, within or without the corporate limits of such city or town, and to manage, regulate and control the same.

35.21.070 Cumulative reserve fund—Authority to create. Any city or town is hereby authorized to establish by ordinance a cumulative reserve fund in general terms for several different municipal purposes as well as for a very specific municipal purpose, including that of buying any specified supplies, material or equipment, or the construction, alteration or repair of any public building or work, or the making of any public improvement. The ordinance shall designate the fund as “cumulative reserve fund for..... (naming purpose or purposes for which fund is to be accumulated and expended).” The moneys in said fund may be allowed to accumulate from year to year until the legislative authority of the city or town shall determine to expend the moneys in the fund for the purpose or purposes specified: *Provided*, That any moneys in said fund shall never be expended for any other purpose or purposes than those specified, without an approving vote by a majority of the electors of the city or town at a general or special election voting on a proposal submitted to the electors to allow other specified uses to be made of said fund.

35.21.080 Cumulative reserve fund—Annual levy for—Application of budget law. An item for said cumulative reserve fund may be included in the city or town’s annual budget or estimate of amounts required to meet public expense for the ensuing year and a tax levy made within the limits and as authorized by law for said item; and said item and levy may be repeated from year to year until, in the judgment of the legislative body of the city or town, the amount required for the specified purpose or purposes has been raised or accumulated. Any moneys in said fund at the end of the fiscal year shall not lapse nor shall the same be a surplus available or which may be used for any other purpose or purposes than those specified, except as herein provided.

35.21.085 Payrolls fund—Claims fund. The legislative authority of any city or town is authorized to create the following special funds:

(1) Payrolls—into which moneys may be placed from time to time as directed by the legislative authority from any funds avail-

able and upon which warrants may be drawn and cashed for the purpose of paying any moneys due city employees for salaries and wages. The accounts of the city or town shall be so kept that they shall show the department or departments and amounts to which the payment is properly chargeable.

(2) Claims—into which may be paid moneys from time to time from any funds which are available and upon which warrants may be issued and paid in payment of claims against the city or town for any purpose. The accounts of the city or town shall be so kept that they shall show the department or departments and the respective amounts for which the warrant is issued and paid.

35.21.086 Same—Transfers from insolvent funds. Transfers from an insolvent fund to the payrolls fund or claims fund shall be by warrant.

35.21.088 Equipment rental fund. Any city or town may create, by ordinance, an "equipment rental fund," hereinafter referred to as "the fund," in any department of the city or town to be used as a revolving fund to be expended for salaries, wages, and operations required for the repair, replacement, purchase, and operation of equipment, and for the purchase of equipment, materials, and supplies to be used in the administration and operation of the fund.

The legislative authority of a city or town may transfer any equipment, materials or supplies of any office or department to the equipment rental fund either without charge, or may grant a credit to such office or department equivalent to the value of the equipment, materials or supplies transferred. An office or department receiving such a credit may use it any time thereafter for renting or purchasing equipment, materials, supplies or services from the equipment rental fund.

Money may be placed in the fund from time to time by the legislative authority of the city or town. Cities and towns may purchase and sell equipment, materials and supplies by use of such fund, subject to any laws governing the purchase and sale of property. Such equipment, materials and supplies may be rented for the use of various offices and departments of any city or town or may be rented by any such city or town to governmental agencies. The proceeds received by any city or town from the sale or rental of such property shall be placed in the fund, and the purchase price of any such property or rental payments made by a city or town shall be made from moneys available in the fund. The ordinance creating the fund shall designate the official or body that is to administer the fund and the terms and charges for the rental for the use of any

such property which has not been purchased for its own use out of its own funds and may from time to time amend such ordinance.

There shall be paid monthly into the fund out of the moneys available to the department using any equipment, materials, and/or supplies, which have not been purchased by that department for its own use and out of its own funds, reasonable rental charges fixed by the legislative authority of the city or town, and moneys in the fund shall be retained there from year to year so long as the legislative authority of the city or town desires to do so.

Every city having a population of more than eight thousand, according to the last official census, shall establish such an equipment rental fund in its street department or any other department of city government. Such fund shall acquire the equipment necessary to serve the needs of the city street department. Such fund may, in addition, be created to service any other departments of city government or other governmental agencies as authorized hereinabove.

35.21.090 Dikes, levees, embankments—Authority to construct. Any city or town shall have power to provide for the protection of such city or town, or any part thereof, from overflow, and to establish, construct and maintain dikes, levees, embankments, or other structures and works, or to open, deepen, straighten or otherwise enlarge natural watercourses, waterways and other channels, including the acquisition or damaging of lands, rights-of-way, rights and property therefor, within or without the corporate limits of such city or town, and to manage, regulate and control the same.

35.21.100 Donations—Authority to accept and use. Every city and town by ordinance may accept any money or property donated, devised, or bequeathed to it and carry out the terms of the donation, devise, or bequest, if within the powers granted by law. If no terms or conditions are attached to the donation, devise, or bequest, the city or town may expend or use it for any municipal purpose.

35.21.110 Ferries—Authority to acquire and maintain. Any incorporated city or town within the state is authorized to construct, or condemn and purchase, or purchase, and to maintain a ferry across any unfordable stream adjoining and within one mile of its limits, together with all necessary grounds, roads, approaches and landings necessary or appertaining thereto located within one mile of the limits of such city or town, with full jurisdiction and authority to manage, regulate and control the same beyond the limits of the corporation and to operate the same free or for toll.

35.21.120 Garbage—Collection and disposal system. Every city and town may by ordinance provide for the establishment of a

system of garbage collection and disposal for the entire city or town or for portions thereof, and award contracts for garbage collection and disposal or provide for it under the direction of officials and employees of the city or town.

35.21.130 Garbage—Ordinance. A garbage ordinance may:

(1) Require property owners and occupants of premises to use the garbage collection and disposal system and to dispose of their garbage as provided in the ordinance; and

(2) Fix charges for garbage collection and disposal and the manner and time of payment therefor including therein a provision that upon failure to pay the charges, the amount thereof shall become a lien against the property for which the garbage collection service is rendered. The ordinance may also provide penalties for its violation.

35.21.140 Garbage—Notice of lien—Foreclosure. A notice of the city's or town's lien for garbage collection and disposal service specifying the charges, the period covered by the charges and giving the legal description of the premises sought to be charged, shall be filed with the county auditor within the time required and shall be foreclosed in the manner and within the time prescribed for liens for labor and material.

35.21.150 Garbage—Lien—Priority. The garbage collection and disposal service lien shall be prior to all liens and encumbrances filed subsequent to the filing of the notice of it with the county auditor, except the lien of general taxes and local improvement assessments whether levied prior or subsequent thereto.

35.21.160 Jurisdiction over adjacent waters. The powers and jurisdiction of all incorporated cities and towns of the state having their boundaries or any part thereof adjacent to or fronting on any bay or bays, lake or lakes, sound or sounds, river or rivers, or other navigable waters are hereby extended into and over such waters and over any tidelands intervening between any such boundary and any such waters to the middle of such bays, sounds, lakes, rivers, or other waters in every manner and for every purpose that such powers and jurisdiction could be exercised if the waters were within the city or town limits.

35.21.170 Liquor law violations—Annual report of. In every city and town having a police court, the judge thereof shall send to the state liquor board an annual written report in respect of prosecutions for liquor law violations brought under Title 66 RCW showing in each case the name of the accused, the nature of the charges, the date of trial, the disposition of the case and the name of the judge presiding.

35.21.175 Offices to be open certain days and hours. All city and town offices shall be kept open for the transaction of business during such days and hours as the municipal legislative authority shall by ordinance prescribe.

35.21.180 Ordinances—Adoption of codes by reference. Ordinances passed by cities or towns must be posted or published in a newspaper as required by their respective charters or the general laws: *Provided*, That ordinances may by reference adopt Washington state statutes and codes, including fire codes and ordinances relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health and sanitation, the slaughtering, processing and selling of meats and meat products for human consumption, the production, pasteurizing and sale of milk and milk products, or other subjects, may adopt by reference, any printed code or compilation, or portions thereof, together with amendments thereof or additions thereto, on the subject of the ordinance; and where publications of ordinances in a newspaper is required, such Washington state statutes or codes or other codes or compilations so adopted need not be published therein: *Provided, however*, That not less than three copies of such statute, code or compilation and amendments and additions thereto adopted by reference shall be filed for use and examination by the public, in the office of the city or town clerk of said city, or town prior to adoption thereof. Any city or town ordinance heretofore adopting any state law or any such codes or compilations by reference are hereby ratified and validated.

35.21.190 Parkways, park drives and boulevards. Any city or town council upon request of the board of park commissioners, shall have authority to designate such streets as they may see fit as parkways, park drives, and boulevards, and to transfer all care, maintenance and improvement of the surface thereof to the board of park commissioners, or to such authority of such city or town as may have the care and management of the parks, parkways, boulevards and park drives of the city.

Any city or town may acquire, either by gift, purchase or the right of eminent domain, the right to limit the class, character and extent of traffic that may be carried on such parkways, park drives and boulevards, and to prescribe that the improvement of the surface thereof shall be made wholly in accordance with plans of such board of park commissioners, but that the setting over of all such streets for such purposes shall not in any wise limit the right and authority of the city council to construct underneath the surface thereof any and all public utilities nor to deprive the council of the right to levy assessments for special benefits. In the construction of

any such utilities, any damages done to the surface of such parkways, park drives or boulevards shall not be borne by any park funds of such city or town.

35.21.200 Residence qualifications of appointive officials and employees. Any city or town may by ordinance of its legislative authority determine whether there shall be any residential qualifications for any or all of its appointive officials or for preference in employment of its employees, but residence of an employee outside the limits of such city or town shall not be grounds for discharge of any regularly appointed civil service employee otherwise qualified: *Provided*, That this section shall not authorize a city or town to change any residential qualifications prescribed in any city charter for any appointive official or employee: *Provided, further*, That all employees appointed prior to the enactment of any ordinance establishing such residence qualifications as provided herein or who shall have been appointed or employed by such cities or towns having waived such residential requirements shall not be discharged by reason of such appointive officials or employees having established their residence outside the limits of such city or town: *Provided, further*, That this section shall not authorize a city or town to change the residential requirements with respect to employees of private public utilities acquired by public utility districts or by the city or town.

35.21.210 Sewerage, drainage and water supply. Any city or town shall have power to provide for the sewerage, drainage and water supply thereof, and to establish, construct and maintain a system or systems of sewers and drains and a system or systems of water supply, within or without the corporate limits of such city or town, and to control, regulate and manage the same.

35.21.220 Sidewalks—Regulation of use of. Cities of several classes in this state shall be empowered to regulate the use of sidewalks within their limits, and may in their discretion and under such terms and conditions as they may determine permit a use of the same by abutting owners, provided such use does not in their judgment unduly and unreasonably impair passage thereon, to and fro, by the public. Such permission shall not be considered as establishing a prescriptive right, and the right may be revoked at any time by the authorities of such cities.

35.21.230 Streets over tidelands declared public highways. All streets in any incorporated city in this state, extending from high tide into the navigable waters of the state, are hereby declared public highways.

35.21.240 Streets over tidelands—Control of. All streets declared public highways under the provisions of RCW 35.21.230 shall be under the control of the corporate authorities of the respective cities.

35.21.250 Streets and alleys over first class tidelands—Control of. All streets and alleys, which have been heretofore or may hereafter be established upon, or across tide and shore lands of the first class shall be under the supervision and control of the cities within whose corporate limits such tide and shore lands are situated, to the same extent as are all other streets and alleys of such cities.

35.21.260 Streets—Annual report to director of highways. The governing authority of each city and town on or before February 1st of each year shall submit such records and reports regarding street operations therein to the director of highways on forms furnished by him as are necessary to enable him to compile an annual report thereon.

35.21.270 Streets—Records of funds received and used for construction, repair, maintenance. The city engineer or the city clerk of each city or town shall maintain records of the receipt and expenditure of all moneys used for construction, repair or maintenance of streets and arterial highways.

To assist in maintaining uniformity in such records, the division of municipal corporations, with the advice and assistance of the highway commission, shall prescribe forms and types of records to be so maintained.

35.21.280 Tax on admissions—Exception as to schools. Every city and town may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to any place: *Provided*, No city or town shall impose such tax on persons paying an admission to any activity of any elementary or secondary school. This includes a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same privileges or accommodations. The city or town may require anyone who receives payment for an admission charge to collect and remit the tax to the city or town.

The term "admission charge" includes:

- (1) A charge made for season tickets or subscriptions;
- (2) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
- (3) A charge made for food and refreshment in any place where free entertainment, recreation or amusement is provided;

(4) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;

(5) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

35.21.290 Utility services—Lien for. Cities and towns owning their own waterworks, or electric light or power plants shall have a lien against the premises to which water, electric light, or power services were furnished for four months charges therefor due or to become due, but not for any charges more than four months past due: *Provided*, That the owner of the premises or the owner of a delinquent mortgage thereon may give written notice to the superintendent or other head of such works or plant to cut off service to such premises accompanied by payment or tender of payment of the then delinquent and unpaid charges for such service against the premises together with the cut-off charge, whereupon the city or town shall have no lien against the premises for charges for such service thereafter furnished, nor shall the owner of the premises or the owner of a delinquent mortgage thereon be held for the payment thereof.

35.21.300 Utility services—Enforcement of lien. The lien for charges for service by a city waterworks, or electric light or power plant may be enforced only by cutting off the service until the delinquent and unpaid charges are paid. In the event of a disputed account and tender by the owner of the premises of the amount he claims to be due before the service is cut off, the right to refuse service to any premises shall not accrue until suit has been entered by the city and judgment entered in the case.

35.21.310 Vegetation—Removal of overhanging or obstructing trees, plants, etc. Any city or town may by general ordinance require the owner of any property therein to remove or destroy all trees, plants, shrubs or vegetation, or parts thereof, which overhang any sidewalk or street or which are growing thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public; and may further so require the owner of any property therein to remove or destroy all grass, weeds, shrubs, bushes, trees or vegetation growing or which has grown and died upon property owned or occupied by them and which are a fire hazard or a menace to public health, safety or welfare. The ordinance shall require the proceedings therefor to be initiated by a resolution of the governing body of the city or town, adopted after

not less than five days' notice to the owner, which shall describe the property involved and the hazardous condition, and require the owner to make such removal or destruction after notice given as required by said ordinance. The ordinance may provide that if such removal or destruction is not made by the owner after notice given as required by the ordinance in any of the above cases, that the city or town will cause the removal or destruction thereof and may also provide that the cost to the city or town shall become a charge against the owner of the property and a lien against the property. Notice of the lien herein authorized shall as nearly as practicable be in substantially the same form, filed with the same officer within the same time and manner, and enforced and foreclosed as is provided by law for liens for labor and materials.

The provisions of this section are supplemental and additional to any other powers granted or held by any city or town on the same or a similar subject.

35.21.320 Warrants—Interest rate—Payment. All city and town warrants shall draw interest from and after their presentation to the treasurer, but no compound interest shall be paid on any warrant directly or indirectly. The city or town treasurer shall pay all warrants in the order of their number and date of issue whenever there are sufficient funds in the treasury applicable to the payment. If five hundred dollars (or any sum less than five hundred dollars as may be prescribed by ordinance) is accumulated in any fund having warrants outstanding against it, the city or town treasurer shall publish a call for warrants to that amount in the next issue of a newspaper published in the city or town (or posted in three conspicuous places in the municipality if no newspaper is published therein) describing the warrants so called by number and specifying the fund upon which they were drawn: *Provided*, That no call need be made until the amount accumulated is equal to the amount due on the warrant longest outstanding: *Provided further*, That no more than two calls shall be made in any one month.

Any city or town treasurer who knowingly fails to call for or pay any warrant in accordance with the provisions of this section shall be fined not less than twenty-five dollars nor more than five hundred dollars and conviction thereof shall be sufficient cause for removal from office.

35.21.330 Workhouses, jails, stockades, etc., authorized. Cities and towns may acquire, build, operate and maintain jails, workhouses, workshops, stockades and other places of detention and confinement at any place within the territorial limits of the county in which the city or town is situated, as may be selected by the legislative authority of the municipality.

35.21.420 Utilities—City may support county in which generating plant located. Any city owning and operating a public utility and having facilities for the generation of electricity located in a county other than that in which the city is located, may provide for the public peace, health, safety and welfare of such county as concerns the facilities and the personnel employed in connection therewith, by contributing to the support of the county government of any such county and enter into contracts with any such county therefor.

35.21.425 City constructing generating facility in other county—Reimbursement of county or school district. Whenever after March 17, 1955, any city shall construct hydroelectric generating facilities or acquire land for the purpose of constructing the same in a county other than the county in which such city is located, and by reason of such construction or acquisition shall (1) cause loss of revenue and/or place a financial burden in providing for the public peace, health, safety, welfare, and added road maintenance in such county, in addition to road construction or relocation as set forth in RCW 90.28.010 and/or (2) shall cause any loss of revenues and/or increase the financial burden of any school district affected by the construction because of an increase in the number of pupils by reason of the construction or the operation of said generating facilities, the city shall enter into an agreement with said county and/or the particular school district or districts affected for the payment of moneys to recompense such losses or to provide for such increased financial burden, upon such terms and conditions as may be mutually agreeable to the city and the county and/or school district or districts.

35.21.426 —————Notice of loss — Negotiations — Arbitration. Whenever a county or school district affected by the project sustains such financial loss or is affected by an increased financial burden as above set forth or it appears that such a financial loss or burden will occur beginning not later than within the next three months, such county or school district shall immediately notify the city in writing setting forth the particular losses or increased burden and the city shall immediately enter into negotiations to effect a contract. In the event the city and the county or school district are unable to agree upon terms and conditions for such contract, then in that event, within sixty days after such notification, the matter shall be submitted to a board of three arbitrators, one of whom shall be appointed by the city council of the city concerned; one by the board of county commissioners for the county concerned or by the school board for the school district concerned, and one by the two arbitrators so appointed. In the event such arbitrators are unable to agree on a third arbitrator within ten days after their appointment then the third arbitrator shall be selected by the state auditor.

The board of arbitrators shall determine the loss of revenue and/or the cost of the increased financial burden placed upon the county or school district and its findings shall be binding upon such city and county or school district and the parties shall enter into a contract for reimbursement by the city in accordance with such findings, with the payment under such findings to be retroactive to the date when the city was first notified in writing.

35.21.427 ———Additional findings—Renegotiation. The findings provided for in RCW 35.21.426 may also provide for varying payments based on formulas to be stated in the findings, and for varying payments for different stated periods. The findings shall also state a future time at which the agreement shall be renegotiated or, in event of failure to agree on such renegotiation, be arbitrated as provided in RCW 35.21.426.

35.21.430 Utilities—City may pay taxing districts involved after acquisition of private power facilities. 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-mill tax law, imposed on such properties in the last tax year in which said properties were in private ownership.

35.21.440 Utilities—Additional payments to school districts having bonded indebtedness. In the event any portion of such property shall be situated in any school district which, at the time of acquisition, has an outstanding bonded indebtedness, the city or town may in addition to the payments authorized in RCW 35.21.430, make annual payments to such school district which shall be applied to the retirement of the principal and interest of such bonds. Such payments shall be computed in the proportion which the assessed valuation of utility property so acquired shall bear to the total assessed valuation of the district at the time of the acquisition.

35.21.450 Utilities—Payment of taxes. Annual payments shall be ordered by an ordinance or ordinances of the legislative body. The ordinance shall further order a designated officer to notify in writing the county assessor of each county in which any portion of such property is located, of the city's intention to make such payments. The county assessor shall thereupon enter upon the tax rolls of the county the amount to which any taxing district of

the county is entitled under the provisions of RCW 35.21.430 to 35.21.450, inclusive; and upon delivery of the tax rolls to the county treasurer as provided by law, the amount of the tax as hereinbefore authorized and determined shall become due and payable by the city or town the same as real property taxes.

35.21.500 Compilation, codification, revision of city or town ordinances—Scope of codification. “Codification” means the editing, rearrangement and/or grouping of ordinances under appropriate titles, parts, chapters and sections and includes but is not limited to the following:

(1) Editing ordinances to the extent deemed necessary or desirable, for the purpose of modernizing and clarifying the language of such ordinances, but without changing the meaning of any such ordinance.

(2) Substituting for the term “this ordinance,” where necessary the term “section,” “part,” “code,” “chapter,” “title,” or reference to specific section or chapter numbers, as the case may require.

(3) Correcting manifest errors in reference to other ordinances, laws and statutes, and manifest spelling, clerical or typographical errors, additions, or omissions.

(4) Dividing long sections into two or more sections and rearranging the order of sections to insure a logical arrangement of subject matter.

(5) Changing the wording of section captions, if any, and providing captions to new chapters and sections.

(6) Striking provisions manifestly obsolete and eliminating conflicts and inconsistencies so as to give effect to the legislative intent.

35.21.510 ———Authorized. Any city or town may prepare or cause to be prepared a codification of its ordinances.

35.21.520 ———Adoption as official code of city. Any city or town having heretofore prepared or caused to be prepared, or now preparing or causing to be prepared, or that hereafter prepares or causes to be prepared, a codification of its ordinances may adopt such codification by enacting an ordinance adopting such codification as the official code of the city, provided the procedure and requirements of RCW 35.21.500 through 35.21.570 are complied with.

35.21.530 ———Filing—Notice of hearing. When a city or town codifies its ordinances, it shall file a typewritten or printed copy of such codification in the office of the city or town clerk. After the first reading of the title of the adopting ordinance and of the title of the code to be adopted thereby, the legislative body of the city or town shall schedule a public hearing thereon. Notice

of the hearing shall be published once not more than fifteen nor less than ten days prior to the hearing in the official newspaper of the city published in such city or town, indicating that its ordinances have been compiled, or codified and that a copy of such compilation or codification is on file in the city or town clerk's office for inspection. If there is no official newspaper, then the notice shall be published in some other newspaper published in the city or town, and if there is no newspaper published in the city or town, then it shall be published or posted in at least three public places in such city or town as the city or town legislative body may direct. The notice shall state the time and place of the hearing.

35.21.540 ————**Legislative body may amend, adopt, or reject adopting ordinance—When official code.** After the hearing, the legislative body may amend, adopt, or reject the adopting ordinance in the same manner in which it is empowered to act in the case of other ordinances. Upon the enactment of such adopting ordinance, the codification shall be the official code of ordinances of the city or town.

35.21.550 ————**Copies as proof of ordinances.** Copies of such codes in published form shall be received without further proof as the ordinances of permanent and general effect of the city or town in all courts and administrative tribunals of this state.

35.21.560 ————**Adoption of new material.** New material shall be adopted by the city or town legislative body as separate ordinances prior to the inclusion thereof in such codification: *Provided*, That any ordinance amending the codification shall set forth in full the section or sections, or subsection or subsections of the codification being amended, as the case may be, and this shall constitute a sufficient compliance with any statutory or charter requirement that no ordinance or any section thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or amended section in full.

35.21.570 ————**Codification satisfies single subject, title, and amendment requirements of statute or charter.** When a city or town shall make a codification of its ordinances in accordance with RCW 35.21.500 through 35.21.570 that shall constitute a sufficient compliance with any statutory or charter requirements that no ordinance shall contain more than one subject which shall be clearly expressed in its title and that no ordinance or any section thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or amended section in full.

35.21.600 **Cities having ten thousand or more population may frame charter for own government.** Any city of ten thousand or

more population shall have all power to conduct its affairs consistent with and subject to state law, including the power to frame a charter for its own government in the same manner as cities of the first class. "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made under the direction of the state census board. Once any city has ten thousand or more population, any subsequent decrease in population below ten thousand shall not affect any powers theretofore acquired under this section.

Chapter 35.22

FIRST CLASS CITIES

35.22.010 Laws governing. Cities of the first class shall be organized and governed according to the law providing for the government of cities having a population of twenty thousand or more inhabitants in accordance with article 11, section 10 of the state Constitution.

35.22.020 Mode of exercising powers, functions and duties. The form of the organization and the manner and mode in which cities of the first class shall exercise the powers, functions and duties conferred upon them by law, with respect to their own government, shall be as provided in the charters thereof.

35.22.030 May frame charter for its government. Any city with a population of twenty thousand or more inhabitants may frame a charter for its own government.

35.22.040 Enumeration of inhabitants. The legislative authority of any such city may provide by ordinance for the appointment by the mayor thereof, of such number of persons as may be designated in the ordinance to make an enumeration of all persons residing within the corporate limits of the city. The enumerators so appointed, before entering upon their duties, shall take an oath for the faithful performance thereof and within five days after their appointment proceed, within their respective districts, to make an enumeration of all persons residing therein, with their names and places of residence.

Immediately upon the completion of the enumeration, the enumerators shall make return thereof upon oath to the legislative authority of the city, who at its next meeting or as soon thereafter as practicable, shall canvass and certify the returns.

If it appears therefrom that the whole number of persons residing within the corporate limits of the city is twenty thousand or

more, the mayor and clerk under the corporate seal of the city shall certify the number so ascertained to the secretary of state, who shall file it in his office. This certificate when so filed shall be conclusive evidence of the population of the city.

35.22.050 Election of freeholders. Within twenty days after the filing with the secretary of state of a certificate showing that pursuant to an authorized census, the population of a city is twenty thousand or more, the legislative authority thereof shall provide by ordinance for an election to be held therein for the purpose of electing fifteen freeholders for the purpose of framing a charter for the city. The members of the board of freeholders must be qualified electors and must have been residents of the city for a period of at least two years prior to their election.

35.22.060 Submission of charter—Publication. The board of freeholders shall convene within ten days after their election and frame a charter for the city and within thirty days thereafter, they, or a majority of them, shall submit the charter to the legislative authority of the city, which, within five days thereafter, shall cause it to be published in two daily newspapers in the city for a period of thirty days prior to the election thereon for adoption or rejection.

35.22.070 Election on adoption of charter—Notice. Within five days after the filing with the city clerk of affidavits of publication, which affidavits shall be filed immediately after the last publication, the legislative authority of the city shall initiate the proceedings for the submission of the proposed charter to the qualified voters of the city for their adoption or rejection. At this election the first officers to serve under the provisions of the proposed charter shall also be elected. In electing from wards, the division into wards as specified in the proposed charter shall govern; in all other respects the then existing laws relating to such elections shall govern. At least ten days notice of this election shall be given by publication in two daily newspapers in the city and by posting notices at each polling place in every precinct. The notice shall specify the objects for which the election is held.

35.22.080 Conduct of Elections. The election of the members of the board of freeholders and that upon the proposition of adopting or rejecting the proposed charter and the officers to be elected thereunder, the returns of both elections, the canvassing thereof and the declaration of the result shall be governed by the laws regulating and controlling elections in the city.

35.22.090 Form of ballot. The form of ballot in the election for the adoption or rejection of the proposed charter shall be: "For the proposed charter," "Against the proposed charter." In sub-

mitting the proposed charter or amendments thereto, any alternate article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to others. In submitting such amendment, article or proposition, the form of the ballot shall be: "For article No. of the charter," "Against article No. of the charter."

35.22.100 Certificates of election to officers. If a majority of the votes cast at the election upon the adoption of the proposed charter favor it, certificates of election shall be issued to each officer elected at that election. Within ten days after the issuance of the certificates of election, the newly elected officers shall qualify as provided in the charter, and on the tenth day thereafter at twelve o'clock noon of that day, the officers so elected and qualified shall enter upon the duties of the offices to which they were elected and at such time the charter shall be authenticated, recorded, attested and go into effect. When so authenticated, recorded and attested, the charter shall become the organic law of the city and supersede any existing charter and amendments thereto and all special laws inconsistent therewith.

35.22.110 Authentication of charter. The authentication of the charter shall be by certificate of the mayor in substance as follows:

"I, mayor of the city of do hereby certify that in accordance with the provisions of the Constitution and statutes of the State of Washington, the city of caused fifteen freeholders to be elected on the day of 19..... to prepare a charter for the city; that due notice of that election was given in the manner provided by law and that the following persons were declared elected to prepare and propose a charter for the city, to wit:

.....
That thereafter on the day of 19..... the board of freeholders returned a proposed charter for the city of signed by the following members thereof:

.....
That thereafter the proposed charter was published in two daily newspapers of general circulation in the city for a period of thirty days before the election, to wit: On the day of 19.....

That thereafter on the day of 19....., at an election duly called and held, the proposed charter was submitted to the qualified electors thereof, and the returns canvassed resulting as follows: For the proposed charter, votes; against the proposed charter, votes; majority for the proposed charter, votes; whereupon the charter was declared adopted by a majority of the qualified electors voting at the election.

I further certify that the foregoing is a full, true and complete copy of the proposed charter so voted upon and adopted as aforesaid.

In testimony whereof, I hereunto set my hand and affix the corporate seal of said city at my office this day of 19.....

Attest:

.....
 Mayor of the City of
 Clerk of the city of (Corporate seal)."

Immediately after authentication, the authenticated charter shall be recorded by the city clerk in a book provided for that purpose known as the charter book of the city of and when so recorded shall be attested by the clerk and mayor under the corporate seal of the city. All amendments shall be in like manner recorded and attested.

All courts shall take judicial notice of a charter and all amendments thereto when recorded and attested as required in this section.

35.22.120 Petition for submission of charter amendment. On petition of a number (equal to fifteen percent of the total number of votes cast at the last preceding general state election) of qualified voters of any municipality having adopted a charter under the laws of this state, asking the adoption of a specified charter amendment, providing for any matter within the realm of local affairs, or municipal business, the said amendment shall be submitted to the voters at the next regular municipal election, occurring thirty days or more after said petition is filed, and if approved by a majority of the local electors of the municipality voting upon it, such amendment shall become a part of the charter organic law governing such municipality.

35.22.130 Requisites of petition—Effect of favorable vote. The petition containing the demand for the submission of the proposed charter amendment shall be filed with the city clerk and each signer shall write his occupation and place of residence after his signature and the genuineness of the signatures on such paper must be attested by the affidavit of a qualified voter. This and RCW 35.22.120 do not deprive city councils of the right to submit proposed charter amendments but affords a concurrent and additional method of submission.

35.22.140 New or revised charter—Petition—Freeholders. On the petition of a number of registered voters of a city equal to twenty-five percent of the total votes cast at the last preceding

city election, the city council of a city of the first class shall, or without such petition may, cause an election to be held for the purpose of electing a board of fifteen freeholders for the purpose of preparing a new charter for the city by altering, revising, adding to or repealing the existing charter including all amendments thereto. The members of the board of freeholders must be qualified electors and must have been residents in the city for a period of at least two years prior to their election. At such election the proposition of whether or not a board of freeholders shall be created at all shall be separately stated on the ballots and unless a majority of the votes cast upon that proposition favor it, no further steps shall be taken in the proceedings.

35.22.150 Submission of new charter. Within ten days after the results of the election have been determined, if a majority of the votes cast favor the proceeding, the members of the board of freeholders elected thereat shall convene and prepare a new charter by altering, revising, adding to, or repealing the existing charter including all amendments thereto and within six months thereafter file it with the city clerk.

35.22.160 Election on adoption of new charter. Upon the filing of the proposed new, altered, changed or revised charter with the city clerk, it shall be submitted to the qualified voters of the city at an election to be called therefor pursuant to the provisions of law applicable to the holding of elections in such city.

35.22.170 Publication of proposed charter. The proposed new, altered or revised charter shall be published in two daily newspapers in the city for at least thirty days prior to the day of election thereon for adoption or rejection.

35.22.180 Conduct of elections. The election of the board of freeholders and that upon the proposition of adopting the proposed new, altered or revised charter, may be general or special elections and except as herein provided, said elections, the returns, the canvassing thereof and the declaration of the result shall be governed by the laws regulating and controlling elections in the city. In both cases the notice specifying the object of the election must be given at least ten days before the day of election.

35.22.190 Effect of favorable vote. If a majority of the voters voting upon the adoption of the proposed new, altered or revised charter favor it, it shall become the charter of the city and the organic law thereof, superseding any existing charter. All bodies or offices abolished or dispensed with by the new, altered or revised charter, together with the emoluments thereof shall immediately cease to exist, and any new offices created shall be filled by appoint-

ment of the mayor until the next general election subject to such approval by the city council as may be required by the new, altered or revised charter.

35.22.200 Legislative powers—Where vested—Direct legislation. The legislative powers of a city of the first class shall be vested in a mayor and a city council, to consist of such number of members and to have such powers as may be provided for in its charter. The charter may provide for direct legislation by the people through the initiative and referendum upon any matter within the scope of the powers, functions, or duties of the city. The mayor and council and such other elective officers as may be provided for in such charter shall be elected at such times and in such manner as provided in Title 29 RCW, and for such terms and shall perform such duties and receive such compensation as may be prescribed in the charter.

35.22.205 Compensation and hours of mayor and elected officials. The compensation and the time to be devoted to the performance of the duties of the mayor and elected officials of all cities of the first class shall be as fixed by ordinance of said city irrespective of any city charter provisions.

35.22.210 Separate designation of councilmen in certain first class cities. Any city of the first class having a population less than one hundred thousand by the last federal census and having a charter providing that each of its councilmen shall be the commissioner of an administrative department of such city, may by ordinance provide for the separate designation of such councilmen as officers, in accordance with such administrative departments, and for their filing for and election to office under such separate designations.

35.22.220 Repeal of separate designation. Whenever any such city shall have passed such an ordinance providing for such separate designations and for filing for and election to office in accordance therewith, such city shall have no power to repeal the same except by ordinance passed by the council of such city and submitted to the voters thereof at a general or special election and ratified by a majority of the voters voting thereon.

35.22.240 Investment board created. There shall be, and is hereby, created in all cities of the first class a board of investment, composed of the mayor, comptroller, or auditor, or if there be no comptroller, or auditor, then the city clerk, and the city treasurer.

35.22.250 Officers of investment board. The mayor shall be chairman of said board and it shall be his duty to preside at the

meetings thereof, provided that in the absence of the mayor the treasurer shall act as such chairman; and it shall be the duty of the comptroller, or city clerk, to act as secretary of said board and keep a record of the minutes and transactions thereof and to certify to the city council any matters upon which it may be necessary for the council to act.

35.22.260 Meetings of board. Meetings of such board may be called at any time by any member thereof by notification in writing to the remaining members of the board of the time and place of such meeting.

35.22.270 Investments authorized. The investment board is authorized, upon the majority vote of its members and with the consent by resolution of the city council, from time to time to invest cash then on hand in the treasury of such city in United States government bonds, or United States certificates of indebtedness: *Provided*, That the city council may at any time by resolution authorize the conversion of such securities, or any part thereof, into cash.

35.22.280 Specific powers enumerated. Any city of the first class shall have power—

(1) To provide for general and special elections, for questions to be voted upon, and for the election of officers;

(2) To provide for levying and collecting taxes on real and personal property for its corporate uses and purposes, and to provide for the payment of the debts and expenses of the corporation;

(3) To control the finances and property of the corporation, and to acquire, by purchase or otherwise, such lands and other property as may be necessary for any part of the corporate uses provided for by its charter, and to dispose of any such property as the interests of the corporation may, from time to time, require;

(4) To borrow money for corporate purposes on the credit of the corporation, and to issue negotiable bonds therefor, on such conditions and in such manner as shall be prescribed in its charter; but no city shall, in any manner or for any purpose, become indebted to an amount in the aggregate to exceed the limitation of indebtedness prescribed by chapter 39.36 RCW as now or hereafter amended;

(5) To issue bonds in place of or to supply means to meet maturing bonds or other indebtedness, or for the consolidation or funding of the same;

(6) To purchase or appropriate private property within or without its corporate limits, for its corporate uses, upon making just compensation to the owners thereof, and to institute and maintain

such proceedings as may be authorized by the general laws of the state for the appropriation of private property for public use;

(7) To lay out, establish, open, alter, widen, extend, grade, pave, plank, establish grades, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and other public grounds, and to regulate and control the use thereof, and to vacate the same, and to authorize or prohibit the use of electricity at, in, or upon any of said streets, or for other purposes, and to prescribe the terms and conditions upon which the same may be so used, and to regulate the use thereof;

(8) To change the grade of any street, highway, or alley within its corporate limits, and to provide for the payment of damages to any abutting owner or owners who shall have built or made other improvements upon such street, highway, or alley at any point opposite to the point where such change shall be made with reference to the grade of such street, highway, or alley as the same existed prior to such change;

(9) To authorize or prohibit the locating and constructing of any railroad or street railroad in any street, alley, or public place in such city, and to prescribe the terms and conditions upon which any such railroad or street railroad shall be located or constructed; to provide for the alteration, change of grade, or removal thereof; to regulate the moving and operation of railroad and street railroad trains, cars, and locomotives within the corporate limits of said city; and to provide by ordinance for the protection of all persons and property against injury in the use of such railroads or street railroads;

(10) To provide for making local improvements, and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof;

(11) To acquire, by purchase or otherwise, lands for public parks within or without the limits of such city, and to improve the same;

(12) To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof;

(13) To determine what work shall be done or improvements made at the expense, in whole or in part, of the owners of the adjoining contiguous, or proximate property, or others specially benefited thereby; and to provide for the manner of making and collecting assessments therefor;

(14) To provide for erecting, purchasing, or otherwise acquiring waterworks, within or without the corporate limits of said city, to supply said city and its inhabitants with water, or authorize the construction of same by others when deemed for the best inter-

ests of such city and its inhabitants, and to regulate and control the use and price of the water so supplied;

(15) To provide for lighting the streets and all public places, and for furnishing the inhabitants thereof with gas or other lights, and to erect, or otherwise acquire, and to maintain the same, or to authorize the erection and maintenance of such works as may be necessary and convenient therefor, and to regulate and control the use thereof;

(16) To establish and regulate markets, and to provide for the weighing, measuring, and inspection of all articles of food and drink offered for sale thereat, or at any other place within its limits, by proper penalties, and to enforce the keeping of proper legal weights and measures by all vendors in such city, and to provide for the inspection thereof;

(17) To erect and establish hospitals and pesthouses, and to control and regulate the same;

(18) To erect and establish work houses and jails, and to control and regulate the same, and to provide for the working of prisoners confined therein;

(19) To provide for establishing and maintaining reform schools for juvenile offenders;

(20) To provide for the establishment and maintenance of public libraries, and to appropriate, annually, such percent of all moneys collected for fines, penalties, and licenses as shall be prescribed by its charter, for the support of a city library, which shall, under such regulations as shall be prescribed by ordinance, be open for use by the public;

(21) To regulate the burial of the dead, and to establish and regulate cemeteries within or without the corporate limits, and to acquire land therefor by purchase or otherwise; to cause cemeteries to be removed beyond the limits of the corporation, and to prohibit their establishment within two miles of the boundaries thereof;

(22) To direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to public health or safety shall be carried on, and to regulate the management thereof; and to prohibit the erection or maintenance of such buildings or structures, or the carrying on of such trade or occupation within the limits of such corporation, or within the distance of two miles beyond the boundaries thereof;

(23) To provide for the prevention and extinguishment of fires, and to regulate or prohibit the transportation, keeping, or storage of all combustible or explosive materials within its corporate limits, and to regulate and restrain the use of fireworks;

(24) To establish fire limits and to make all such regulations for the erection and maintenance of buildings or other structures

within its corporate limits as the safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in safe condition;

(25) To regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained;

(26) To deepen, widen, dock, cover, wall, alter, or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, slips, public landing places, wharves, docks, and levees, and to control and regulate the use thereof;

(27) To control, regulate, or prohibit the anchorage, moorage, and landing of all watercrafts and their cargoes within the jurisdiction of the corporation;

(28) To fix the rates of wharfage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States;

(29) To license, regulate, control, or restrain wharf boats, tugs, and other boats used about the harbor or within such jurisdiction;

(30) To require the owners of public halls or other buildings to provide suitable means of exit; to provide for the prevention and abatement of nuisances, for the cleaning and purification of watercourses and canals, for the drainage and filling up of ponds on private property within its limits, when the same shall be offensive to the senses or dangerous to health; to regulate and control, and to prevent and punish, the defilement or pollution of all streams running through or into its corporate limits, and for the distance of five miles beyond its corporate limits, and on any stream or lake from which the water supply of said city is taken, for a distance of five miles beyond its source of supply; to provide for the cleaning of areas, vaults, and other places within its corporate limits which may be so kept as to become offensive to the senses or dangerous to health, and to make all such quarantine or other regulations as may be necessary for the preservation of the public health, and to remove all persons afflicted with any infectious or contagious disease to some suitable place to be provided for that purpose;

(31) To declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist;

(32) To regulate the selling or giving away of intoxicating, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state: *Provided*, That no license shall be granted

to any person or persons who shall not first comply with the general laws of the state in force at the time the same is granted;

(33) To grant licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same: *Provided*, That no license shall be granted to continue for longer than one year from the date thereof;

(34) To regulate the carrying on within its corporate limits of all occupations which are of such a nature as to affect the public health or the good order of said city, or to disturb the public peace, and which are not prohibited by law, and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them;

(35) To restrain and provide for the punishment of vagrants, mendicants, prostitutes, and other disorderly persons;

(36) To provide for the punishment of all disorderly conduct, and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace, and good order within its limits, and to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city; but such punishment shall in no case exceed the punishment provided by the laws of the state for misdemeanors;

(37) To project or extend its streets over and across any tidelands within its corporate limits, and along or across the harbor areas of such city, in such manner as will best promote the interests of commerce;

(38) To provide in their respective charters for a method to propose and adopt amendments thereto.

35.22.290 Additional powers—Auditoriums, art museums. Every city of the first class may lease, purchase, or construct, and maintain public auditoriums and art museums and may use and let them for such public and private purposes for such compensation and rental and upon such conditions as shall be prescribed by ordinance; it may issue negotiable bonds for the purchase and construction thereof on such conditions and in such manner as shall be prescribed by its charter and by general law for the borrowing of money for corporate purposes.

35.22.300 Leasing of land for auditoriums, etc. If a city of the first class has acquired title to land for public auditoriums or art museums, it may let it or any part thereof, together with the structures and improvements constructed or to be constructed thereon for such term as may be deemed proper and may raise the needed funds for financing the project, in whole or in part, by transferring

or pledging the use and income thereof in such manner as the corporate authorities deem proper.

Any lessee under any such lease may mortgage the leasehold interest and may issue bonds to be secured by the mortgage and may pledge the rent and income of the property to accrue during the term of the lease or any part thereof for the due financing of the project: *Provided*, That the corporate authorities may specify in any such lease such provisions and restrictions relating thereto as they shall deem proper.

35.22.310 Cesspools, filling of—Removal of debris, etc. Every city of the first class is empowered to provide for the filling and closing of cesspools and for the removing of garbage, debris, grass, weeds, and brush on property in the city.

35.22.320 Collection of cost of filling cesspools, etc. Every city of the first class by general ordinance may prescribe the mode and manner of assessing, levying and collecting assessments upon property for filling and closing cesspools thereon and removing garbage, debris, grass, weeds, and brush and provide that the charges therefor shall be a lien on the property upon which such work is done and collected in such manner as is prescribed in the ordinance.

35.22.330 Radio communication. Every city of the first class maintaining a harbor department may install, maintain, and operate in connection therewith wireless telegraph stations for the handling of official and commercial messages and for communicating with wireless land and shore stations under such regulations as the corporate authorities may prescribe and in accordance with the statutes and regulations of the federal government.

35.22.340 Streets—Railroad franchises in, along, over and across. Every city of the first class may by ordinance authorize the location, construction, and operation of railroads in, along, over, and across any highway, street, alley, or public place in the city for such term of years and upon such conditions as the city council may by ordinance prescribe notwithstanding any provisions of the city charter limiting the length of terms of franchises or requiring franchises to contain a provision granting the city the right to appropriate by purchase the property of any corporation receiving a franchise, license, privilege, or authority: *Provided*, That this does not apply to street railroads nor to railroads operated in connection with street railroads in and along the streets of such city.

35.22.350 Utilities—Collective bargaining with employees. Every city of the first class which owns and operates a waterworks system, a light and power system, a street railway or other public utility, shall have power, through its proper officers, to deal with and to

enter into contracts for periods not exceeding one year with its employees engaged in the construction, maintenance, or operation thereof through the accredited representatives of the employees including any labor organization or organizations authorized to act for them concerning wages, hours and conditions of labor in such employment, and every city having not less than one hundred forty thousand nor more than one hundred and seventy thousand population is empowered and authorized to immediately place in effect any adjustment or change in such wages, hours and conditions of labor of such employees as may be required to conform to the provisions of any such contract, irrespective of the provisions of any annual budget or act relating thereto: *Provided*, That not more than one such contract not in conformity with any annual budget shall be made during any budget year, nor shall any such adjustment or change be made which would result in an excess of expenditures over revenues of such public utility.

35.22.360 Utilities—Wage adjustments. Notwithstanding any annual budget or statute relating thereto, any city of the first class owning and operating a public utility, or the city's public utility department, may make an adjustment or change of the rate of daily wages of employees of any such public utility if such adjustment or change is accompanied by or is approximately coincidental with a shortening of the work week of the employees and if the adjustment or change will not result in any increase in pay per week, or excess of expenditures of the public utility over its revenues.

35.22.370 Wards—Division of city. Notwithstanding that the charter of a city of the first class may forbid the city council from redividing the city into wards except at stated periods, if the city has failed to redivide the city into wards during any such period, the city council by ordinance may do so at any time thereafter: *Provided*, That there shall not be more than one redivision into wards during any one period specified in the charter.

35.22.380 Water system—Improvement or extension. If any plan, system, or proposed extension adopted by a city of the first class for furnishing a city water supply is thereafter deemed insufficient or inadequate for any reason, the city council may determine the fact by resolution and thereupon by ordinance submit to the voters a new plan or system or a proposed change in the adopted plan, system, or extension clearly specified in general terms in the ordinance, and stated upon the ballot in general terms sufficiently clear for common understanding.

35.22.390 Water system—Submission of plan to voters—Notice. Such new plan or system of water supply in lieu of, or proposed changes in, a plan, system, or extension previously adopted shall

be submitted at a general or special election for ratification or rejection. Notice thereof shall be given by publication at least thirty days before the election in the paper doing the city printing.

35.22.400 Water system—Funds available for new plan. If three-fifths of the votes cast upon the proposition of adopting a new plan or system of water supply in lieu of, or proposed changes in, a plan, system, or extension previously adopted, favor it, the fund devoted to the original plan, system, or extension may be used for the new plan, system, or extension adopted in lieu of or the changed plan, system, or extension as the case may be.

35.22.410 Wharves—City may let wharves or privileges thereon. Every city of the first class may let the whole or any part of a wharf, or the privileges thereon owned by the city, for periods not to exceed one year in such manner, and upon such terms, as may be prescribed by a general ordinance.

35.22.420 Designation of police judge—Additional judge—Traffic cases segregated. The mayor of each city of the first class shall, within ten days after the justices of the peace are elected at the quadrennial election appoint one of the justices of the peace elected thereat as police justice or police judge, who shall be designated as municipal judge of such city, and who shall, before entering upon the duties of his office as municipal judge, give such additional bond for the faithful performance of his duties as the legislative authority of the city may by ordinance direct. Any such city may by ordinance provide for one additional municipal judge appointive in like manner as above provided, and who, upon appointment and qualification, shall enjoy all the powers and perform all the duties imposed upon police judges by law, and who shall, before entering upon the duties of municipal judge, give such bond for the faithful performance of his duties as municipal judge as the legislative authority of the city may by ordinance direct.

Such additional municipal judge may appoint a clerk who shall be paid such salary out of the funds of the city as may be provided by ordinance. A suitable place for holding court by such additional municipal judge shall be provided and maintained by the city. The salary of such additional municipal judge shall be fixed by ordinance and paid wholly by the city in equal monthly installments in addition to his salary as justice of the peace.

This section is intended to authorize cities of the first class to expedite the handling of traffic offense cases under the laws thereof, and the mayor, in making appointments of municipal judges shall designate which of the judges shall be primarily responsible for the handling of city traffic cases, the trial of which in such cities

shall, so far as practicable, be segregated from other municipal court trials.

35.22.430 Salary of police judge. The salary of a police judge to be paid in addition to the salary paid to justices of the peace in cities of the first class, shall be fixed by the city council by ordinance and such additional salary shall be paid wholly out of the funds of the city, in equal monthly installments. The city shall provide a suitable place for holding court by such police judge and pay all the expenses of maintaining it.

35.22.440 Clerk for police judge. The police judge of such city shall have power at any time to appoint a clerk to assist him in clerical work incidental to the performance of his duties, who shall be paid such salary out of the funds of the city as the city council may by ordinance determine.

35.22.460 Jurisdiction of police judge. The police judge in cities of the first class, in addition to his powers as justice of the peace, shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license, penalty, or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and pronounce judgment in accordance therewith and full power to issue all warrants and process necessary to effectuate the ordinances of the city. Such police judge shall have jurisdiction to impose a fine of not to exceed three hundred dollars or imprisonment not to exceed ninety days, or both such fine and imprisonment, in all cases where such penalty shall be prescribed by ordinance. In the trial of actions brought for violating any city ordinance, no jury shall be allowed.

35.22.470 Regulation of disorderly conduct, etc. Any city of the first class shall have power by ordinance to provide for the punishment of all disorderly conduct, and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace, and good order within its limits; to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city; to provide for the imposition by police judges of a fine not to exceed three hundred dollars or imprisonment not to exceed ninety days, or both such fine and imprisonment.

35.22.480 Precedence of cases. Such police judge shall in the conduct of the business of the court give preference to cases arising under ordinances of the city; then to prosecutions for violation of

the criminal laws of the state of Washington within the city; then to civil causes coming before him upon change of venue from another justice of the peace in the city. No change of venue shall be allowed from such police judge in actions brought for violations of city ordinances.

35.22.490 Criminal process. All criminal process issued by such police judge shall be in the name of the state of Washington and run throughout the state, be directed to the chief of police, marshal or other police officer of any city or to any sheriff or constable in the state and shall be served by him.

35.22.500 Prosecutions in name of city. All prosecutions for the violation of any city ordinance shall be conducted in the name of the city, and may be upon the complaint of any person.

35.22.510 Costs and fees. In all civil and criminal cases arising from the violations of city ordinances tried by such police judge he shall charge up as costs in each case the same fees as are charged by justices of the peace for like services in every action, and all fees so charged and collected by, and all fines and forfeitures paid to, such police judge shall belong to and be paid over by him weekly, to the city.

35.22.520 Police judge pro tempore. In case of the temporary absence or inability of the police judge to act, the mayor shall appoint, from among the practicing attorneys qualified electors of the city, a police judge pro tempore, who, before entering upon the duties as such, shall take and subscribe an oath as other judicial officers and while so acting he shall have all the powers of the police judge: *Provided*, That such appointment shall not continue for a longer period than the absence or disability of the police judge. Such police judge pro tempore to receive such compensation as shall be fixed by ordinance of the legislative body of the city, to be paid by the city.

35.22.530 Appeal from police court—Procedure. All civil or criminal proceedings before such police judge and judgment rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal.

The appeal shall be to the superior court of the county in which the police court is located and shall be taken by orally giving notice thereof in open court at the time the judgment is rendered or by serving a copy of a written notice thereof upon the corporation counsel or city attorney and filing the original thereof with acknowledgment or affidavit of service with the police judge within ten days after the judgment was pronounced. After notice of appeal is given as herein required, appellant shall diligently prosecute his

appeal and, within thirty days from the date of entry of judgment, shall file with the clerk of the superior court a transcript duly certified by the police judge, furnished by such police judge without charge, and containing a copy of all written pleadings and docket entries of the police court. Within ten days after the transcript is filed, appellant shall note the case for trial. The case shall be set for trial at the earliest open date thereafter and the clerk of the court shall, in writing, notify the corporation counsel or city attorney of the date thereof.

35.22.540 Dismissal of appeal—Effect. If appellant fails to proceed with the appeal within the time and manner herein provided, the superior court shall upon the motion of the city dismiss the appeal if the transcript has been there filed, otherwise the police judge shall do so. Upon dismissal of the appeal for failure of appellant to proceed diligently with the appeal and as herein required, or for any other cause, the judgment of the police court shall be enforced by the police judge. If, at the time of such dismissal, cash deposit or appeal bond as hereinafter required has been furnished and is in custody of the superior court, the same shall be returned to the police judge. The police judge shall have power to forfeit the cash bail or bail bond and issue execution thereon for breach of any condition under which it is furnished.

35.22.550 Bond on appeal—Transcript, etc. Appellant shall be committed to the city jail until he shall recognize or give bond to the state, in such reasonable sum with such sureties as said police judge may require; that he will diligently prosecute the appeal and within thirty days after the entry of the judgment in the police court file with the clerk of the superior court a transcript duly certified by the police judge containing a copy of all the records and proceedings in the police court; that he will within ten days after the same is filed in the superior court note the case for trial, will appear at the court appealed to and comply with any sentence of the superior court, and will, if the appeal is dismissed for any reason, comply with the sentence of the police judge. Whenever the transcript of the appeal is filed in the superior court, and any cash bail or bail bond has been filed with the police judge, he shall transfer the same to the superior court in which the appeal is pending, there to be held pending disposition of the appeal; and shall also deliver to said court any exhibits introduced in evidence in the trial before the police judge, which exhibits may be offered in evidence if a trial is had in the superior court, otherwise to be returned to custody of the police judge.

35.22.560 Trial in superior court—Costs—Further appeal. In the superior court the trial shall be de novo, subject, however, to the

right of the city to file an amended complaint therein. If the defendant be convicted in the superior court he shall be sentenced anew by the superior court judge with a fine of not to exceed three hundred dollars or imprisonment in the city jail not to exceed ninety days, or by both such fine and imprisonment. Neither the city nor the appellant shall be required to pay in advance any fee for filing or prosecuting the appeal, but if the appellant is convicted he may be required, as a part of the sentence to pay the costs of prosecution, to be taxed in the amount and manner of costs in criminal prosecutions in the superior court. If the appellant be acquitted he shall have judgment against the city for his costs to be fixed and taxed in the same manner. Appeal shall lie to the supreme court as in other criminal cases in the superior court.

35.22.570 Omnibus grant of powers to first class cities. Any city adopting a charter under the provisions of this chapter shall have all the powers which are conferred upon incorporated cities and towns by this title or other laws of the state, and all such powers as are usually exercised by municipal corporations of like character and degree.

35.22.580 Diversion of local improvement moneys prohibited—Refund of excess. Whenever any city of the first class shall levy and collect moneys by sale of bonds or otherwise for any local improvement by special assessment therefor, the same shall be carried in a special fund to be used for said purpose, and no part thereof shall be transferred or diverted to any other fund or use: *Provided*, That any funds remaining after the payment of the whole cost and expense of such improvement, in excess of the total sum required to defray all the expenditures by the city on account thereof, shall be refunded on demand to the amount of such overpayment: *Provided further*, That this section shall not be deemed to require the refunding of any balance in any local improvement fund after the payment of all outstanding obligations issued against such fund, where such balance accrues from any saving in interest or from penalties collected upon delinquent assessments, but any such balance may be turned into the general fund or otherwise disposed of, as the legislative authority of such city may direct by ordinance. The provisions of this section relating to the refund of excess local improvement district funds shall not apply to any district whose obligations are guaranteed by the local improvement guaranty fund.

35.22.590 Bonds voted by people—Transfer of excess to redemption fund. Whenever the issuance or sale of bonds or other obligations of any city of the first class has been authorized by vote of the people, as provided by any existing charter or laws, for any special improvement or purpose, the proceeds of the sale of such bonds

including premiums if any shall be carried in a special fund to be devoted to the purpose for which such bonds were authorized, and no portion of such bonds shall be transferred or diverted to any other fund or purpose: *Provided*, That nothing herein shall be held to prevent the transfer to the interest and redemption fund of any balance remaining in the treasury after the completion of such improvement or purpose so authorized: *Provided further*, That nothing herein shall prevent the city council from disposing of such bonds, or any portion thereof, in such amounts and at such times as it shall direct, but no such bonds shall be sold for less than par.

35.22.600 Liability for violations of RCW 35.22.580 or 35.22.590. Any ordinance, resolution, order or other action of any city council, board or officer, and every city warrant or other instrument in writing made in violation of any of the provisions of RCW 35.22.580 or 35.22.590 shall be void, and every officer, agent or employee of any such city, or member of the city council, or other board thereof, and every private person or corporation who knowingly commits any violation thereof or knowingly aids in such violation, shall be liable to the city concerned for all moneys so transferred, diverted or paid out, which liability shall also attach to and be enforceable against the official bond (if any) of any such officer, agent, employee, member of city council or board.

35.22.900 Liberal construction. The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this chapter, but the same shall be liberally construed for the purpose of carrying out the objects for which this chapter is intended.

Chapter 35.23

SECOND CLASS CITIES

35.23.010 Rights, powers and privileges. Exchange of park purpose property. Every city of the second class shall be entitled "City of" (naming it), and by such name shall have perpetual succession; may sue and be sued in all courts and in all proceedings; shall have and use a common seal which it may alter at pleasure; may acquire, hold, lease, use and enjoy property of every kind and control and dispose of it for the common benefit; and, upon making a finding that any property acquired for park purposes is not useful for such purposes and that an exchange thereof for other property to be dedicated for park purposes is in the public interest, may, with the consent of the dedicator or donor, his heirs, successors or assigns, exchange such property for other property to

be dedicated for park purposes and make, execute and deliver proper conveyances to effect the exchange. In any case where owing to death or lapse of time there is neither donor, heir, successor, nor assigns to give consent to the exchange, then this consent may be executed by the grantee. Title to property so conveyed by the city shall vest in the grantee free and clear of any trust in favor of the public arising out of any prior dedication for park purposes.

35.23.020 Elective officers. The elective officers of a city of the second class shall consist of a mayor, twelve councilmen, a city clerk, a city treasurer, and a police judge: *Provided*, That in any such city operating under a commission form of government the police judge shall be appointed by the mayor.

35.23.030 Eligibility to hold elective office. No person shall be eligible to hold any elective office in any city of the second class unless he is a registered voter therein and has resided therein for at least one year next preceding the date of his election.

35.23.040 Elections—Terms of office. A general municipal election shall be held biennially in second class cities not operating under the commission form of government and shall be held on the Tuesday following the first Monday in November of each odd-numbered year, except as provided in RCW 29.13.020 and 29.13.030.

The term of office of mayor, city clerk, city treasurer and councilmen in such cities shall be four years, and until their successors are elected and qualified, but not more than six councilmen shall be elected in any one year to fill a full term. The term of office of police judge shall be two years and until his successor is elected and qualified.

35.23.050 Conduct of elections. All municipal elections held under the provisions of this chapter shall be conducted according to the general election laws of this state, as far as practicable: *Provided*, That any qualified voter of such city, duly registered for the general county or state election next preceding any municipal election, general or special, shall be qualified to vote at such municipal election. No person shall be qualified to vote at such election unless he is a qualified elector of the county and has resided in such city for at least thirty days next preceding such election.

35.23.070 Contested elections. The city council as constituted at the time of election, or as it may be constituted between that date and the first Monday of January following, shall hear and determine any and all contested elections of any and all city offices. The city council shall have power by general ordinance to prescribe rules and regulations for the hearing of contested elections of city officers,

but proceedings before the city council in cases of contested elections shall conform as near as may be to the provisions of the general election laws, relating to contested elections.

35.23.080 Mayor—General duties. The mayor shall be the chief executive officer of the city. He shall:

- (1) Have general supervision over the several departments of the city government and over all its interests;
- (2) Preside over the city council when present;
- (3) Once in three months, submit a general statement of the condition of the various departments and recommend to the city council such measures as he may deem expedient for the public health or improvement of the city, its finances or government;
- (4) Countersign all warrants and licenses, deeds, leases and contracts requiring signature issued under and by authority of the city.

If there is a vacancy in the office of mayor or he is absent from the city, or is unable from any cause to discharge the duties of his office, the president of the council shall act as mayor, exercise all his powers and be subject to all his duties.

35.23.090 City clerk—Duties. The city clerk shall:

- (1) Keep the corporate seal and all papers and documents belonging to the city and file them in his office under appropriate heads;
- (2) Attend the sittings of the city council, and keep a journal of its proceedings and records of its resolutions and ordinances;
- (3) Sign all warrants and licenses issued pursuant to the orders and ordinances of the city council and affix the corporate seal to the licenses;
- (4) Sign all deeds, leases, contracts, bonds and other documents when authorized by the council;
- (5) Keep an accurate account in a suitable book under the appropriate heads of all expenditures, of all orders drawn upon the city treasurer and of all warrants issued in pursuance thereof;
- (6) Keep an account in an appropriate book of all licenses issued, with the names of the persons to whom issued, the date of issue, the time for which they were granted and the sums paid therefor;
- (7) Perform such other duties as he may be required to perform by statute or by ordinance.

35.23.100 Clerk may take acknowledgments. The clerk or deputy clerk of any second class city shall, without charge, take acknowledgments and administer oaths required by law on all claims and demands against the city.

35.23.110 City treasurer—Duties. The city treasurer shall:

- (1) Receive and safely keep all money belonging to the city from whatever source derived;
- (2) Place it to the credit of the different funds to which it belongs in a book kept for that purpose;
- (3) Disburse the funds of the city by direction of the council as authorized by law;
- (4) Report monthly to the city council the condition of the treasury.

35.23.120 Appointive officers. The appointive officers of a city of the second class shall be a chief of police, city attorney, health officer, and street commissioner; the council may also create by ordinance the offices of superintendent of irrigation, city engineer, harbor master, pound keeper, city jailer, chief of the fire department, and any other offices necessary to discharge the functions of the city and for those whose election or appointment no other provision is made. If a paid fire department is established therein a chief engineer and one or more assistant engineers may be appointed. If a free library and reading room is established therein five library trustees shall be appointed. The council by ordinance shall prescribe the duties of the officers and fix their compensation subject to the provisions of any statutes pertaining thereto.

35.23.130 Chief of police and police force. The police force of a second class city shall consist of a chief of police and such number of policemen as shall from time to time be fixed and determined by the city council.

The mayor with the consent of the council, shall appoint the policemen and all subordinate officers of the city and may, for cause, remove them with the consent of the council, as in this chapter provided.

35.23.132 Police officers—Hot pursuit. Police officers of cities of the second class may pursue and arrest violators of city ordinances beyond the city limits.

35.23.140 City attorney—Duties. The city attorney shall be the legal advisor of the city council and of all the officers of the city in relation to matters pertaining to their respective offices. He shall represent the city in all litigation in all courts in which the city is a party or directly interested and shall prosecute all violations of city ordinances and shall act generally as attorney for the city and the several departments of the city government, and he shall perform such other duties as the city council may direct.

35.23.150 Health officer. The city council shall create the office of city health officer, prescribe his duties and qualifications and fix his compensation.

35.23.160 Street commissioner. The street commissioner under the direction of the mayor and city council shall have control of the streets and public places of the city and shall perform such duties as the city council may prescribe.

35.23.170 Park commissioners. 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 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.

35.23.180 Appointment of officers—Confirmation. The mayor shall appoint all the appointive officers of the city subject to confirmation by the city council. If the council refuses to confirm any nomination of the mayor, he shall nominate another person for that office within ten days thereafter, and may continue to so nominate until his nominee is confirmed. If the mayor fails to make another nomination for the same office within ten days after the rejection of a nominee, the city council shall elect a suitable person to fill the office during the term. The affirmative vote of not less than seven councilmen is necessary to confirm any nomination made by the mayor.

35.23.190 Oath and bond of officers. Before entering upon his duties and within ten days after receiving notice of his election or appointment every officer of the city shall qualify by taking the oath of office and by filing such bond duly approved as may be required of him. If no notice of election or appointment was received, the officer must qualify on or before the date fixed for the assumption by him of the duties of the office to which he was elected or appointed. The city council shall fix the amount of all official bonds and may designate what officers shall be required to give bonds in addition to those required to do so by statute.

The clerk, treasurer, city attorney, chief of police, police judge and street commissioner shall each execute an official bond in such penal sum as the city council by ordinance may determine, conditioned for the faithful performance of their duties, including in the same bond the duties of all offices of which he is the ex officio incumbent.

All official bonds shall be approved by the city council and when so approved shall be filed with the city clerk except the city clerk's which shall be filed with the mayor. No city officer shall be eligible as a surety upon any bond running to the city as obligee.

The city council may require a new or additional bond of any officer whenever it deems it expedient.

35.23.200 Deputies. The chief of police, the city attorney and the city clerk may each, with the approval of the city council, appoint such deputies as may be necessary by a written designation filed with the clerk. The compensation of each deputy shall be fixed by the city council. The deputies under the direction of their principal shall perform such duties as the council may prescribe. The principals shall be responsible for their respective deputies and may revoke their appointments at pleasure.

35.23.210 Removal of appointive officers. Subject to applicable civil service laws any appointive officer may be removed:

(1) By the mayor for any cause by him deemed sufficient by and with the concurrence of the vote of at least six members of the city council: *Provided*, That the chief of police may be removed by the mayor without the concurrence of the city council; or

(2) By the affirmative vote of nine councilmen upon their own initiative.

35.23.220 Salaries of officers. The city council shall fix the salary of all officials (except library trustees who shall serve without compensation and any other officer where provision is made by this title that such officer shall serve without compensation).

No officer's salary or compensation shall be increased or diminished during his term of office, nor shall any officer be allowed any extra or additional compensation, either directly or indirectly, for the rendition of services that the city council have authority to require of him by virtue of his office.

The salaries of all city officers shall be paid monthly.

35.23.230 Restrictions on official conduct. In addition to any other restrictions upon his official conduct imposed by law, no officer of a city of the second class shall:

(1) Accept from any railroad or street railway corporation, operating in whole or in part within the city, any pass or free trans-

portation or transportation upon any terms save such as are open to the public generally: *Provided*, That this provision shall not apply to police officers while on duty;

(2) Accept or receive, directly or indirectly, any commodity or thing of value from any public service corporation owning or enjoying a franchise granted by the city, free of charge or upon any terms save such as are open to the public generally.

The violation of any of the provisions of this section by any officer shall work a forfeiture of his office and warrant his removal therefrom by impeachment or other proper procedure and subject to forfeiture and recovery by judgment against him of all sums of money paid him as salary during the term in which the violation was committed up to the time of the recovery of judgment against him therefor. A civil action for the salary so forfeited may be commenced at any time in the name of the city in any court of competent jurisdiction.

35.23.240 Vacancies. If anyone either elected or appointed to office fails for ten days to qualify as required by law or fails to enter upon his duties at the time fixed by law or the orders of the city council, his office shall become vacant; or if such officer absents himself from the city without the consent of the city council for three consecutive weeks or openly neglects or refuses to discharge his duties, the council may declare his office vacant: *Provided*, That this penalty for absence from the city shall not apply to such officers as serve without compensation.

If a vacancy occurs by reason of death, resignation, or otherwise in the office of mayor or councilman, the city council shall fill the vacancy until the next general municipal election.

If a vacancy occurs by reason of death, resignation, or otherwise in any other office it shall be filled by appointment of the mayor and confirmed by the council in the same manner as other appointments are made.

35.23.250 City council—How constituted. The mayor and twelve councilmen shall constitute the city council and at their first meeting after taking office the city council shall elect one of their own body to serve as president of the council. The mayor shall preside at all meetings at which he is present. In the absence of the mayor, the president of the council shall preside. In the absence of both the mayor and the president of the council, the council may elect a president pro tempore from its own body or any other elector of the city may be elected president pro tempore. The president pro tempore shall have all the powers of the president of the council during the session of the council at which the president pro tempore is

presiding except that if he is not a member of the council he shall have no vote.

35.23.260 City council—Meetings. The city council of a city of the second class shall hold regular meetings at least once every three weeks but not oftener than once per week, the time and place to be prescribed by ordinance. Special meetings may be called by the mayor at any time and he shall call one upon the written request of four councilmen. Written notice of the time and place of special meetings stating the purpose thereof must be given to each member by handing it to him personally, or by leaving it at his last and usual place of abode or by leaving it at his place of business during business hours. The sittings of the council shall be open to the public except where the interests of the city require secrecy. No ordinance of any kind nor any resolution or order for the payment of money shall be passed at any time other than at a regular meeting of the council.

35.23.270 City council—Quorum—Rules—Journal, etc. A majority of the councilmen shall constitute a quorum for the transaction of business. A less number may compel the attendance of absent members and may adjourn from time to time. The council shall determine its rules of proceedings. The council may punish their members for disorderly conduct and upon written charges entered upon the journal therefor, may, after trial, expel a member by two-thirds vote of all the members elected. All orders of the city council shall be entered upon the journal of its proceedings, which journal shall be signed by the officer who presided at the meeting. The journal shall be kept by the clerk under the council's direction.

35.23.280 City council—Presiding officer—Voting rights. The mayor shall have a vote only in the case of a tie in the votes of the councilmen. The president of the council while presiding or the president pro tempore, if a councilman, shall have the right to vote upon all questions coming before the council.

A majority of all the members elected shall be necessary to pass any ordinance appropriating for any purpose the sum of five hundred dollars or upwards or any ordinance imposing any assessment, tax, or license or in any wise increasing or diminishing the city revenue.

35.23.290 City council—Entry of ayes and noes on journal. At any time, at the request of any two members the ayes and noes on any question may be taken and entered upon the journal and they must be so taken and entered upon the passage of all ordinances appropriating money, imposing taxes, abolishing licenses, increasing or lessening the amount to be paid for licenses.

35.23.300 Ordinances—Style—Veto power of mayor. The style of the city ordinances shall be as follows: "Be it ordained by the mayor and city council of the city of" They shall be passed by the city council and signed by the mayor, if he approves them; if he does not approve them, he shall return them to the city clerk's office with his objections in writing within eight days after their submission to him, and at the first meeting of the city council thereafter, the objection shall be entered on their journal and they shall then reconsider the ordinance whereupon unless at least two-thirds of the councilmen elected vote for its passage, it shall not become law. If the mayor does not return an ordinance within eight days of its submission to him, it shall become law without his signature.

35.23.310 Ordinances—Publication—Copy as evidence. Before any ordinance shall take effect, it shall be published in one issue of the official newspaper of the city. A certified copy of any ordinance certified to by the clerk, or a printed copy of any ordinance or compilation printed by authority of the city council and attested by the clerk shall be competent evidence in any court.

35.23.320 Ordinances—Penalty for breach—Inhabitant not disqualified as judge, juror, etc. The interest which an inhabitant of a city of the second class may have in a penalty for the breach of a bylaw or ordinance of such city shall not disqualify such inhabitant to act as judge, juror, or witness in any prosecution to recover the penalty.

35.23.330 Limitation on allowance of claims, warrants, etc. No claim shall be allowed against the city by the city council, nor shall the city council order any warrants to be drawn except at a general meeting of the council. The council shall never allow, make valid, or recognize any demand against the city which was not a valid claim against it when the obligation was created, nor authorize to be paid any demand which without such action would be invalid or which is then barred by the statute of limitations, or for which the city was never liable, and any such action shall be void.

35.23.340 Damage claims—Allowance of. All claims for damages against a second class city must be filed with the city clerk within ninety days from the date the damage occurred or the injury was sustained: *Provided*, That claims for damages arising from an alleged defective sidewalk must be filed within thirty days from the date the damage occurred or the injury was sustained. No action for any claim for damages shall be maintained against a city of the second class until it has been presented to the council and until sixty days have elapsed after such presentation. The allowance of

any damage claim against the city must be by ordinance and not otherwise.

35.23.352 Contracts, purchases, advertising—Call for bids—Exceptions. Any city or town of the second, third or fourth class may construct any public work or improvement by contract or day labor without calling for bids therefor whenever the estimated cost of such work or improvement, including cost of materials, supplies and equipment will not exceed the sum of five thousand dollars. Whenever the cost of such public work or improvement, including materials, supplies and equipment, will exceed five thousand dollars, the same shall be done by contract after a call for bids which shall be awarded to the lowest responsible bidder. Notice of the call for bids shall be given by posting notice thereof in a public place in the city or town and by publication in the official newspaper once each week for two consecutive weeks before the date fixed for opening the bids. If there is no official newspaper the notice shall be published in a newspaper published or of general circulation in the city or town. The city council or commission of the city or town shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call, or if in its judgment the improvement or work, including the purchase of supplies, material and equipment, can be done by the city at less cost than the lowest bid submitted it may do so without making a further call for bids or awarding any contract therefor. If no bid is received on the first call the city council or commission may re-advertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform such work or improvement by day labor.

Any purchase of supplies, material, equipment or services, except for public work or improvement, where the cost thereof exceeds two thousand dollars shall be made upon call for bids in the same method and under the same conditions as required herein on a call for bids for public work or improvement.

Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper published or of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

35.23.353 ———Purchases relating to garbage collection and disposal. Any purchase by a municipality of the second, third or fourth class of supplies, material, equipment or services for garbage collection and disposal, except for public work or improvement, where the cost thereof exceeds two thousand dollars shall be made upon call for bids in accordance with the procedure prescribed for

any public work or improvement in the first paragraph of RCW 35.23.352 as now or hereafter amended. Notwithstanding any provision of law to the contrary, any municipality of the second, third or fourth class may call for bids for garbage collection and disposal for a period of five years or less but in no case for more than five years. The contract shall be awarded to the lowest responsible bidder. Nothing in this section is intended to repeal, amend or change RCW 35.13.280 as now or hereafter amended.

35.23.370 Eight-hour day on public work. In all public work done by or for a city of the second class, either by day work or by contract, eight hours shall constitute a day's work; and no employee of the city on city works, or of any contractor or subcontractor doing work for the city shall be required to work longer than eight hours in any one calendar day. This section shall be enforced by the city council in an appropriate ordinance.

35.23.380 Exclusive franchises prohibited. No exclusive franchise or privilege shall be granted for the use of any street, alley, highway, or public place or any part thereof.

35.23.390 Requisites to granting of franchises—Rates—Bond. No franchise or privilege shall be created or granted by the city council otherwise than by ordinance nor shall it be passed on the day of the introduction nor for thirty days thereafter and then only upon the affirmative vote of two-thirds of the councilmen elected. The city council may fix the rates and tolls to be charged within the city by any public service corporation enjoying a franchise granted by the city subject to review by any court of competent jurisdiction as to the reasonableness thereof. The city council may require a bond in a reasonable amount from any person or corporation obtaining a franchise from the city conditioned for the faithful performance of the conditions and terms of the franchise and providing a recovery on the bond in case of failure to perform the terms and conditions of the franchise.

35.23.400 Franchise ordinances—Publication before passage. No ordinance granting a franchise or privilege and no ordinance amending a prior ordinance granting a franchise or privilege shall be passed until it has been published in at least one issue of the official newspaper of the city: *Provided*, That ordinances or amendments thereto granting a franchise to lay spur railroad tracks connecting manufacturing plants, warehouses, or other private property with a main line of railroad need not be published before they are passed by the council. No ordinance required to be published before passage shall be amended after publication by an amendment which imposes terms, conditions, or privileges less favorable to the city

than those in the proposed ordinance as published, but amendments favorable to the city may be made at any time before passage.

All publications of ordinances granting a franchise or ordinance amending ordinances granting a franchise, both before and after passage shall be made at the expense of the applicant or proposed grantee.

35.23.410 Leasing of street ends on waterfront. The city council may lease for business purposes portions of the ends of streets terminating in the waterfront or navigable waters of the city with the written consent of all the property owners whose properties abut upon the portion proposed to be leased. The lease may be made for any period not exceeding fifteen years but must provide that at intervals of every five years during the term, the rental to be paid by the lessee shall be readjusted between him and the city by mutual agreement, or if they cannot agree by a board of arbitration, one to be chosen by the city, one by the lessee and the third by the other two, their decision to be final. The vote of two-thirds of all the councilmen elected is necessary to authorize such a lease.

35.23.420 Notice of lease to be published before execution. No lease of a portion of the end of a street terminating in the waterfront or navigable waters of the city shall be made until a notice describing the portion of the street proposed to be leased, to whom and for what purpose leased and the proposed rental to be paid has been published by the city clerk in the official newspaper at least fifteen days prior to the execution of the lease.

35.23.430 Railroads in streets to be assessed for street improvement. If an improvement is made upon a street occupied by a street railway or any railroad enjoying a franchise on the street, the city council shall assess against the railroad its just proportion of making the improvement which shall be not less than the expense of improving the space between the rails of the railroad and for a distance of one foot on each side. The assessment against the railroad shall be made on the rolls of the improvement district the same as against other property in the district and shall be a lien on that portion of the railroad within the district from the time of the equalization of the roll. The lien may be foreclosed by a civil action in superior court and the same period of redemption from any sale on foreclosure shall be allowed as is allowed in cases of sale of real estate upon execution.

35.23.440 Specific powers enumerated. The city council of each second class city shall have power and authority:

(1) Ordinances: To make and pass all ordinances, orders and resolutions not repugnant to the Constitution of the United States

or the state of Washington, or the provisions of this title, necessary for the municipal government and management of the affairs of the city, for the execution of the powers vested in said body corporate, and for the carrying into effect of the provisions of this title.

(2) License of shows: To fix and collect a license tax, for the purposes of revenue and regulation, on theatres, melodeons, balls, concerts, dances, theatrical, circus or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the participators; also all shows, billiard tables, pool tables, bowling alleys, exhibitions, or amusements.

(3) Hotels, etc., licenses: To fix and collect a license tax for the purposes of revenue and regulation on and to regulate all taverns, hotels, restaurants, banks, brokers, manufactories, livery stables, express companies and persons engaged in transmitting letters or packages, railroad, stage and steamboat companies or owners, whose principal place of business is in such city, or who have an agency therein.

(4) Auctioneers' licenses: To license and regulate auctioneers for the purposes of revenue and regulation.

(5) Peddlers', etc., licenses: To license, for the purposes of revenue and regulation, tax, prohibit, suppress and regulate all raffles hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths or sheds; and to regulate as authorized by state law all tippling houses, dram shops, saloons, bars and barrooms.

(6) Dance houses: To prohibit or suppress, or to license and regulate all dance houses, fandango houses, or any exhibition or show of any animal or animals.

(7) License vehicles: To license for the purposes of revenue and regulation, and to tax hackney coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage and property.

(8) Hotel runners: To license or suppress runners for steamboats, taverns, or hotels.

(9) License generally: To fix and collect a license tax for the purposes of revenue and regulation, upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified: *Provided*, That on any business, trade, or calling not provided by law to be licensed for state and county purposes, the amount of license shall be fixed at the discretion of the city council, as they may deem the interests and good order of the city may require.

(10) Riots: To prevent and restrain any riot or riotous assem-

blages, disturbance of the peace or disorderly conduct in any place, house or street in the city.

(11) Nuisances: To declare what shall be deemed nuisances; to prevent, remove and abate nuisances at the expense of the parties creating, causing or committing or maintaining the same, and to levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same.

(12) Stock pound: To establish, maintain and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any and all domestic animals within the city limits or any parts thereof, and to regulate or prevent the keeping of such animals within any part of the city.

(13) Control of certain trades: To control and regulate slaughterhouses, washhouses, laundries, tanneries, forges and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof.

(14) Street cleaning: To provide, by regulation, for the prevention and summary removal of all filth and garbage in streets, sloughs, alleys, back yards or public grounds of such city, or elsewhere therein.

(15) City jail: To establish, alter and repair city prisons and to provide for the regulation of the same, and for the safekeeping of persons committed thereto; to provide for the care, feeding and clothing of the city prisoners; to provide for the formation of a chain gang for persons convicted of crimes or misdemeanors, and their proper employment and compulsory working for the benefit of the city; and also to provide for the arrest and compulsory working of vagrants: *Provided*, That no prisoner shall be required to perform any labor until he has been duly convicted of some offense punishable by imprisonment and duly sentenced thereto.

(16) Gambling, etc.: To prohibit and suppress all gaming and all gambling or disorderly houses, and houses of ill fame, and all immoral and indecent amusements, exhibitions and shows.

(17) Markets: To establish and regulate markets and market places.

(18) Speed of railroad cars: To fix and regulate the speed at which any railroad cars, streetcars, automobiles or other vehicles may run within the city limits, or any portion thereof.

(19) City commons: To provide for and regulate the commons of the city.

(20) Fast driving: To regulate or prohibit fast driving or riding in any portion of the city.

(21) Combustibles: To regulate or prohibit the loading or storage of gunpowder and combustible or explosive materials in the city, or transporting the same through its streets or over its waters.

(22) Property: To have, purchase, hold, use and enjoy property of every name or kind whatsoever, and to sell, lease, transfer, mortgage, convey, control or improve the same; to build, erect or construct houses, buildings or structures of any kind needful for the use or purposes of such city.

(23) Fire department: To establish, continue, regulate and maintain a fire department for such city, to change or reorganize the same, and to disband any company or companies of the said department; also, to discontinue and disband said fire department, and to create, organize, establish and maintain a paid fire department for such city.

(24) Water supply: To adopt, enter into and carry out means for securing a supply of water for the use of such city or its inhabitants, or for irrigation purposes therein.

(25) Overflow of water: To prevent the overflow of the city or to secure its drainage, and to assess the cost thereof to the property benefited.

(26) House numbers: To provide for the numbering of houses.

(27) Health board: To establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and to provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments and to prohibit them within the city limits.

(28) Harbors and wharves: To build, alter, improve, keep in repair and control the waterfront; to erect, regulate and repair wharves, and to fix the rate of wharfage and transit of wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing and removing steamboats, sail vessels, rafts, barges and all other watercraft; to fix the rate of speed at which steamboats and other steam watercraft may run along the waterfront of the city; to build bridges so as not to interfere with navigation; to provide for the removal of obstructions to the navigation of any channel or watercourses or channels.

(29) License of steamers: To license steamers, boats and vessels used in any watercourse in the city, and to fix and collect a license tax thereon.

(30) Ferry licenses: To license ferries and toll bridges under the law regulating the granting of such license.

(31) Penalty for violation of ordinances: To determine and impose fines for forfeitures and penalties that shall be incurred for

the breach or violation of any city ordinance, notwithstanding that the act constituting a violation of any such ordinance may also be punishable under the state laws, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed for any offense the amount of five hundred dollars or three months' imprisonment, or both; and every violation of any lawful order, regulation or ordinance of the city council of such city is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the state of Washington.

(32) Police department: To create and establish a city police; to prescribe their duties and their compensation and to provide for the regulation and government of the same.

(33) Elections: To provide for conducting elections and establishing election precincts when necessary, to be as near as may be in conformity with the state law.

(34) Examine official accounts: To examine, either in open session or by committee, the accounts or doings of all officers or other persons having the care, management or disposition of moneys, property or business of the city.

(35) Contracts: To make all appropriations, contracts or agreements for the use or benefit of the city and in the city's name.

(36) Streets and sidewalks: To provide by ordinance for the opening, laying out, altering, extending, repairing, grading, paving, planking, graveling, macadamizing, or otherwise improving of public streets, avenues and other public ways, or any portion of any thereof; and for the construction, regulation and repair of sidewalks and other street improvements, all at the expense of the property to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the property holders or owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks and squares, and to enforce the observance thereof.

(37) Waterways: To clear, cleanse, alter, straighten, widen, fill up or close any waterway, drain or sewer, or any watercourse in such city when not declared by law to be navigable, and to assess the expense thereof, in whole or in part, to the property specially benefited.

(38) Sewerage: To adopt, provide for, establish and maintain a general system of sewerage, draining, or both, and the regulation thereof; to provide funds by local assessments on the property benefited for the purpose aforesaid and to determine the manner, terms and place of connection with main or central lines of pipes, sewers

or drains established, and compel compliance with and conformity to such general system of sewerage or drainage, or both, and the regulations of said council thereto relating, by the infliction of suitable penalties and forfeitures against persons and property, or either, for nonconformity to, or failure to comply with the provisions of such system and regulations or either.

(39) Buildings and parks: To provide for all public buildings, public parks or squares, necessary or proper for the use of the city.

(40) Franchises: To permit the use of the streets for railroad or other public service purposes.

(41) Payment of judgments: To order paid any final judgment against such city, but none of its lands or property of any kind or nature, taxes, revenue, franchise or rights, or interest, shall be attached, levied upon or sold in or under any process whatsoever.

(42) Weighing of fuel: To regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and may prescribe his term of office, and the fees he shall receive for his services: *Provided*, That such fees shall in all cases be paid by the parties requiring such service.

(43) Hospitals, etc.: To erect and establish hospitals and pest-houses and to control and regulate the same.

(44) Waterworks: To provide for the erection, purchase or otherwise acquiring of waterworks within or without the corporate limits of the city to supply such city and its inhabitants with water, and to regulate and control the use and price of the water so supplied.

(45) City lights: To provide for lighting the streets and all public places of the city and for furnishing the inhabitants of the city with gas, electric or other light, and for the ownership, purchase or acquisition, construction, or maintenance of such works as may be necessary or convenient therefor: *Provided*, That no purchase of any such water plant or light plant shall be made without first submitting the question of such purchase to the electors of the city.

(46) Parks: To acquire by purchase or otherwise land for public parks, within or without the limits of the city, and to improve the same.

(47) Bridges: To construct and keep in repair bridges, and to regulate the use thereof.

(48) Power of eminent domain: In the name of and for the use and benefit of the city, to exercise the right of eminent domain, and to condemn lands and property for the purposes of streets, alleys, parks, public grounds, waterworks or for any other municipal purpose and to acquire by purchase or otherwise such lands and property as may be deemed necessary for any of the corporate uses provided for by this title, as the interests of the city may from time to time require.

(49) To provide for the assessment of taxes: To provide for the assessment, levying and collecting of taxes on real and personal property for the corporate uses and purposes of the city and to provide for the payment of the debts and expenses of the corporation.

(50) Local improvements: To provide for making local improvements, and to levy and collect special assessments on the property benefited thereby and for paying the same or any portion thereof; to determine what work shall be done or improvements made, at the expense, in whole or in part, of the adjoining, contiguous, or proximate property, and to provide for the manner of making and collecting assessments therefor.

(51) Cemeteries: To regulate the burial of the dead and to establish and regulate cemeteries, within or without the corporate limits, and to acquire lands therefor by purchase or otherwise.

(52) Fire limits: To establish fire limits with proper regulations and to make all needful regulations for the erection and maintenance of buildings or other structures within the corporate limits as safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in a safe condition; to regulate the manner in which stone, brick and other buildings, party walls and partition fences shall be constructed and maintained.

(53) Safety and sanitary measures: To require the owners of public halls, theaters, hotels and other buildings to provide suitable means of exit and proper fire escapes; to provide for the cleaning and purification of watercourses and canals and for the draining and filling up of ponds on private property within its limits when the same shall be offensive to the senses or dangerous to the health, and to charge the expense thereof to the property specially benefited, and to regulate and control and provide for the prevention and punishment of the defilement or pollution of all streams running in or through its corporate limits and a distance of five miles beyond its corporate limits, and of any stream or lake from which the water supply of the city is or may be taken and for a distance of five miles beyond its source of supply, and to make all quarantine and other regulations as may be necessary for the preservation of the public health and to remove all persons afflicted with any contagious disease to some suitable place to be provided for that purpose.

(54) To regulate liquor traffic: To regulate the selling or giving away of intoxicating, spirituous, malt, vinous, mixed or fermented liquors as authorized by the general laws of the state.

(55) To establish streets on tidelands: To project or extend or establish streets over and across any tidelands within the limits of such city.

(56) To provide for the general welfare.

35.23.450 Additional powers—Eminent domain. The right of eminent domain is hereby extended to any such city for the condemnation of lands and other property, either within or without its corporate limits, for any and all corporate purposes and every such city shall have the right to appropriate real estate or other property, either within or without its corporate limits, for any and all municipal purposes in the same manner and under the same procedure as now is or may hereafter be provided by law in cases of other corporations authorized by the laws of the state of Washington to exercise the right of eminent domain. This section shall be construed as a concurrent and cumulative power conferred on such cities, and shall not be construed as in any wise repealing or affecting any other law conferring the power of eminent domain and the right to appropriate property on any such city, and in particular, this section shall not be construed as in any wise repealing or affecting the powers conferred on any such city by chapter 8.12 RCW.

35.23.460 Employees' group insurance—False arrest insurance. Any city of the second or third class or town may contract with an insurance company authorized to do business in this state to provide group insurance for its employees including group false arrest insurance for its law enforcement personnel, and pursuant thereto may use a portion of its revenues to pay an employer's portion of the premium for such insurance, and may make deductions from the payrolls of employees for the amount of the employees' contribution and may apply the amount deducted in payment of the employees' portion of the premium.

35.23.470 Publicity fund. 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 therefor an annual special tax not exceeding two and one-half mills on each dollar of the 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.

35.23.480 Publicity board. The publicity board administering the publicity fund shall consist of three members nominated by a recognized commercial organization in the city, then appointed by the mayor and confirmed by at least a two-thirds vote of the city council. The commercial organization must be incorporated, must be representative and public, devoted exclusively to the work usually devolving upon such organizations and have not less than

two hundred bona fide dues-paying members; if more than one organization in the city meets the qualifications, the oldest one shall be designated to make the nominations.

Members of the publicity board must be resident property owners and voters in the city and after their appointment and confirmation must qualify by taking the oath of office and filing a bond with the city in the sum of one thousand dollars conditioned upon the faithful performance of their duties. They shall be appointed in December and their terms shall be for one year commencing on the second Monday in January after their appointment and until their successors are appointed and qualified. Any member of the board may be removed by the mayor at the request of the organization which nominated the members after a majority vote of the entire membership of the organization favoring the removal, taken at a regular meeting.

Members of the publicity board shall serve without remuneration.

35.23.490 Limitations or use of publicity fund. All expenditures shall be made under direction of the board of publicity. No part of the publicity fund shall ever be paid to any newspaper, magazine, or periodical published within the city or county in which the city is situated, for advertising, or write-ups or for any other service or purpose and no part of the fund shall be expended for the purpose of making exhibits at any fair, exposition or the like.

35.23.500 Taxation—Property tax levy. Every city of the second class may levy and collect annually, a property tax:

- (1) For the payment of outstanding warrants,
- (2) For the payment of interest on and the creation of sinking funds for the payment of outstanding bonded indebtedness and
- (3) For the payment of current expenses.

35.23.510 Taxation—Park fund levy. City and town councils in cities of the second and third class and towns are authorized to levy a tax in such an amount as the city or town council or commission shall determine and fix for the purpose of acquiring, maintaining and improving any park or parks: *Provided*, That the amount of such levy shall be made within the limits and as authorized by law. The proceeds of such levy shall be paid into a special fund to be known as the park fund which shall be disbursed as provided for by ordinance.

35.23.530 Wards—Division of city into. At any time not within three months previous to an annual election the city council of a second class city may divide the city into wards, not exceeding six in all, or change the boundaries of existing wards. No change in the

boundaries of wards shall affect the term of any councilman, but he shall serve out his term in the ward of his residence at the time of his election: *Provided*, That if this results in one ward being represented by more councilmen than the number to which it is entitled those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy.

The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

No person shall be eligible to the office of councilman unless he resides in the ward for which he is elected on the date of his election and removal of his residence from the ward for which he was elected renders his office vacant.

35.23.540 Water system—Water improvement fund—Tax levy. Every city of the second class may create a special water improvement fund to be used exclusively for the construction, acquisition, extension, or improvement of the city's waterworks and water system. The city council after causing a general plan of the proposed construction, acquisition, extension, or improvement together with the estimated cost thereof to be filed in the office of the city clerk and published in the city's official newspaper, shall submit the proposition of levying a special water improvement tax upon all of the taxable property within the city for the purpose of raising the special water improvement fund to be used exclusively for the proposed improvement. The proposition submitted must distinctly state the amount of the levy and may contemplate the levying of the special tax for one year or for a succession of years not exceeding ten in all.

35.23.550 Water system—Bonds or warrants. If a majority of the votes cast at the special election favor the proposition the council may proceed to levy the special tax during the year or series of years for which it was authorized, create the special water improvement fund and issue special water improvement fund warrants or bonds against the fund, the proceeds of which shall be used exclusively for the improving, extension, repair or renewal of the city's water system.

The special water improvement fund warrants or bonds shall not be a general obligation against the city and their payment shall be limited to the special water improvement taxes and the holders thereof shall have recourse only against the funds raised by such taxes.

The special water fund tax must be levied each year as authorized to take care of the warrants and bonds outstanding against the special water improvement fund.

35.23.560 Waterworks—Construction by city or by district assessments. All cities and towns within the state, other than cities of the first class, which are empowered to construct waterworks for irrigation and domestic purposes, may do so either by the entire city or by assessment districts as the mayor and council may determine.

35.23.570 Waterworks—Plans—Special taxes. Before letting any contract for the construction of any waterworks for irrigation and domestic purposes, the mayor and council shall by ordinance or resolution adopt the plans therefor and shall fix and establish the assessment district, if the same is to be constructed at the expense of the district, and such cities and towns are authorized to charge the expense of such waterworks for irrigation and domestic purposes to all the property included within such district which is contiguous or proximate to any streets in which any main pipe or lateral pipe of such waterworks for irrigation and domestic purposes, is to be placed, and to levy special taxes upon such property to pay therefor, which assessment and tax shall be levied in accordance with the last general assessment of the property within said district for city purposes.

35.23.580 Waterworks—Procedure—Bonds. For the purpose of providing for, constructing and maintaining such waterworks for irrigation and domestic purposes and issuing bonds to pay therefor, such cities and towns may proceed in all ways in accordance with, and apply all the provisions of, law relating to local improvement assessments.

35.23.590 Police court—Establishment. A police court is established in cities of the second class and those cities operating under the commission form of government, which court shall always be open for business except upon nonjudicial days, and upon such days may transact such business only as may be provided for by law.

35.23.600 Jurisdiction of police judge. The police judge in such cities shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license penalty or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon, and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinances, and pronounce judgment in accordance therewith: *Provided*, That for the violation of a criminal ordinance, no greater punishment shall be imposed than a fine of one hundred dollars or imprisonment not to exceed thirty days, or by both such fine and imprisonment. In the trial of actions

brought for the violation of any city ordinance, no jury shall be allowed. All civil or criminal proceedings before such police judge and judgments rendered by him, shall be subject to review in the superior court of the proper county by writ of review or appeal. The procedure, in case of appeal or by writ of review, shall be in accordance with the provisions now governing appeals in justice's courts as near as may be.

35.23.610 Process. All criminal process issued by such police judge shall be in the name of the state of Washington, and run throughout the state, be directed to the chief of police, marshal, or other police officer of any city, or to any sheriff or constable in the state, and shall be served by him.

35.23.620 Prosecutions—No change of venue. All prosecutions for the violation of any city ordinance shall be conducted in the name of the city, and may be upon the complaint of any person, and no change of venue shall be allowed from the police judge of such cities in action brought for the violation of city ordinances.

35.23.630 Costs. In all civil and criminal actions arising from the violation of city ordinances tried by such police judge, he shall charge up as costs in each case the same fees as are charged by justices of the peace for like services in every action. All fees so charged and collected by, and all fines and forfeits paid to such police judge shall belong to, and be paid over by him weekly to the city treasurer, who shall issue his receipt therefor.

35.23.640 Supplies—Reports. The governing body of the city shall furnish for use of the police court, all necessary dockets, books of record, blanks and blank forms which are deemed necessary to the proper administration of said court. The police judge shall, the last Saturday of each month, make a full report of all cases tried in his court for that month in which the city may be interested and file the same with the city clerk.

35.23.650 Police judge pro tempore. In the event of the police judge's inability to act, or during any temporary absence, or if he should be disqualified, the mayor shall appoint from among the practicing attorneys and qualified electors of the city, a police judge pro tempore, who, before entering upon the duties of such office, shall take and subscribe an oath as other judicial officers, and while so acting, he shall have all the power of the police judge: *Provided*, That such appointment shall not continue for a longer period than the absence or inability of the police judge. Such police judge pro tempore shall receive such compensation for such services as shall be fixed by ordinance of the legislative body of the city, to be paid by the city.

35.23.660 Qualifications of police judge—Election. No person shall be eligible to hold the office of police judge who is not a practicing attorney under the laws of this state. In all cities of the second class, except such as have a commission form of government, a police judge shall be elected annually at the general municipal election and shall hold his office until his successor is elected and qualified.

35.23.670 Seal—Transcripts as evidence—Efficacy of process. The court shall have a seal, to be provided by the city and certified transcripts of the police judge's docket and the seal of his court shall be evidence in any court of the state of the contents of the docket; and all warrants and other processes issued out of said court, and all acts done by said police judge under its seal, shall have the same force and validity in any part of this state as though issued or done by any court of record of this state.

Chapter 35.24

THIRD CLASS CITIES

35.24.010 Rights, powers and privileges. Every city of the third class shall be entitled "City of" (naming it), and by such name shall have perpetual succession; may sue and be sued in all courts and in all proceedings; shall have and use a common seal alterable at pleasure of the city authorities; may purchase, lease, receive, hold, and enjoy real and personal property and may control and dispose of it for the common benefit; and with the consent of the dedicator or donor, his heirs, successors, or assigns, may exchange any property acquired for park purposes for other property or may lease, sell, or otherwise dispose of such property, and may make, execute, and deliver proper conveyances to effect the transaction: *Provided*, That in any case where owing to death or lapse of time there is neither donor, heir, successor, nor assigns to give consent, then such consent shall be deemed waived. Title to property so conveyed by the city shall vest in the grantee free and clear of any trust in favor of the public arising out of any prior dedication for park purposes.

35.24.020 City officers enumerated—Compensation—Appointment and removal. The government of a third class city shall be vested in a mayor, a city council of seven members, a city attorney, a clerk, a treasurer, all elective; and a chief of police, police judge, city engineer, street superintendent, health officer and such other appointive officers as may be provided for by statute or ordinance: *Provided*, That the council may enact an ordinance providing for the appointment of the city clerk and city attorney by the mayor,

which appointment shall be subject to confirmation by a majority vote of the city council. Such ordinance shall be enacted and become effective not later than thirty days prior to the first day allowed for filing declarations of candidacy for such offices when such offices are subject to an approaching city primary election. Elective incumbent city clerks and city attorneys shall serve for the remainder of their unexpired term notwithstanding any appointment made pursuant to RCW 35.24.020 and 35.24.050. If a free public library and reading room is established, five library trustees shall be appointed and if a public park is maintained, three park commissioners shall be appointed. The city council by ordinance shall prescribe the duties and fix the compensation of all officers: *Provided*, That the provisions of any such ordinance shall not be inconsistent with any statute: *Provided further*, That where the city council finds that the appointment of a full time city engineer is unnecessary, it may in lieu of such appointment, by resolution provide for the performance of necessary engineering services on either a part time, temporary or periodic basis by a qualified engineering firm, pursuant to any reasonable contract.

The mayor shall appoint and at his pleasure may remove all appointive officers except as otherwise provided herein. Every appointment or removal must be in writing signed by the mayor and filed with the city clerk.

35.24.030 Eligibility to hold elective office. No person shall be eligible to hold an elective office in a city of the third class unless he be a citizen of and a legal resident therein.

35.24.050 Elections—Terms of office. General municipal elections in third class cities not operating under the commission form of government shall be held biennially, and, shall be held on the Tuesday following the first Monday in November in the odd-numbered years, except as provided in RCW 29.13.020 and 29.13.030. The term of office of the mayor, city attorney, clerk, and treasurer shall be four years and until their successors are elected and qualified: *Provided*, That if the offices of city attorney and clerk are made appointive, the city attorney and clerk shall not be appointed for a definite term: *Provided further*, That the term of the treasurer shall not commence in the same biennium in which the term of the mayor commences nor in which the terms of the city attorney and clerk commence if they are elected.

A councilman-at-large shall be elected biennially for a two-year term and until their successors are elected and qualified; of the other six councilmen, three shall be elected biennially as the terms of their predecessors expire for terms of four years and until their successors are elected and qualified.

35.24.060 Conduct of elections. All elections shall be held in accordance with the general election laws of the state insofar as the same are applicable and no person shall be entitled to vote at any election unless he shall be a qualified elector of the county and shall have resided in such city for at least thirty days next preceding such election.

35.24.070 Contested elections. The city council shall judge of the qualifications of its members and determine contested elections of all the city officers.

35.24.080 Oath and bond of officers. In a city of the third class, the treasurer, city attorney, clerk, police judge, chief of police, and such other officers as the council may require shall each, before entering upon the duties of his office, take an oath of office and execute and file with the clerk an official bond in such penal sum as the council shall determine, conditioned for the faithful performance of his duties and otherwise conditioned as may be provided by ordinance.

35.24.090 Compensation of officers—Expenses. The mayor and the members of the city council may be reimbursed for actual expenses incurred in the discharge of their official duties, upon presentation of a claim therefor, after allowance and approval thereof, by resolution of the city council; and each city councilman may be paid for attending council meetings an amount not exceeding twenty dollars per meeting for not more than two such meetings each month, as the city council may fix by ordinance.

The city attorney, clerk, treasurer and health officer shall severally receive at stated times a compensation to be fixed by ordinance by the city council, which compensation shall not be increased or diminished after their election (or appointment), or during their several terms of office.

The mayor and other officers shall receive such compensation as may be fixed by the city council at the time the estimates are made as provided by law.

35.24.100 Vacancies. In cities of the third class if a member of the city council absents himself for three consecutive regular meetings thereof, unless by permission of the council, his office may be declared vacant by the council.

Vacancies in the city council or in the office of mayor shall be filled by majority vote of the council. Vacancies in offices other than that of mayor or city councilman shall be filled by appointment of the mayor.

If a vacancy occurs in an elective office the appointee shall hold office only until the next regular election at which a person shall be elected to serve for the remainder of the unexpired term.

If there is a temporary vacancy in an appointive office due to illness, absence from the city or other temporary inability to act, the mayor may appoint a temporary appointee to exercise the duties of the office until the temporary disability of the incumbent is removed.

35.24.110 City attorney—Duties. The city attorney shall advise the city authorities and officers in all legal matters pertaining to the business of the city and shall approve all ordinances as to form. He shall represent the city in all actions brought by or against the city or against city officials in their official capacity. He shall perform such other duties as the city council by ordinance may direct.

35.24.120 City clerk—Duties—Deputies. The city clerk shall keep a full and true record of every act and proceeding of the city council and keep such books, accounts and make such reports as may be required by the division of municipal corporations in the office of the state auditor. The city clerk shall record all ordinances, annexing thereto his certificate giving the number and title of the ordinance, stating that the ordinance was published and posted according to law and that the record is a true and correct copy thereof. The record copy with the clerk's certificate shall be prima facie evidence of the contents of the ordinance and of its passage and publication and shall be admissible as such evidence in any court or proceeding.

The city clerk shall be custodian of the seal of the city and shall have authority to acknowledge the execution of all instruments by the city which require acknowledgment.

The city clerk may appoint a deputy for whose acts he and his bondsmen shall be responsible, and he and his deputy shall have authority to take all necessary affidavits to claims against the city and certify them without charge.

The city clerk shall perform such other duties as may be required by statute or ordinance.

35.24.130 City treasurer—Duties. The city treasurer shall receive and safely keep all money which comes into his hands as treasurer, for all of which he shall execute triplicate receipts, one to be filed with the city clerk. He shall receive all money due the city and disburse it on warrants issued by the clerk countersigned by the mayor, and not otherwise. He shall make monthly settlements with the city clerk at which time he shall deliver to the clerk the duplicate receipts for all money received and all canceled warrants as evidence of money paid.

35.24.140 Duty of officers collecting moneys. Every officer collecting or receiving any money belonging to or for the use of the

city shall settle with the clerk and immediately pay it into the treasury on the order of the clerk to be credited to the fund to which it belongs.

35.24.160 Chief of police and police department. The department of police in a city of the third class shall be under the direction and control of the chief of police subject to the direction of the mayor. The chief of police shall prosecute before the police justice all violations of city ordinances which come to his knowledge. He shall have charge of the city prisons and prisoners and of any chain gang which may be established by the city council. He may pursue and arrest violators of city ordinances beyond the city limits.

His lawful orders shall be promptly executed by deputies, police officers and watchmen. Every citizen shall lend him aid, when required, for the arrest of offenders and maintenance of public order. With the concurrence of the mayor, he may appoint additional policemen to serve for one day only under his orders in the preservation of public order.

He shall have the same authority as that conferred upon sheriffs for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or the public authorities in the lawful exercise of their functions and shall be entitled to the same protection.

He shall perform such other services as may be required by statute or ordinances of the city.

He shall execute and return all process issued and directed to him by lawful authority and for his services shall receive the same fees as are paid to constables.

35.24.180 City council—Oath—Meetings. The city council and mayor shall meet on the first Tuesday in January next succeeding the date of each general municipal election, and shall take the oath of office, and shall hold regular meetings at least once during each month but not to exceed one regular meeting in each week, at such times as may be fixed by ordinance.

Special meetings may be called by the mayor by written notice delivered to each member of the council at least three hours before the time specified for the proposed meeting. No ordinances shall be passed or contract let or entered into, or bill for the payment of money allowed at any special meeting.

All meetings of the city council shall be held within the corporate limits of the city at such place as may be designated by ordinance. All meetings of the city council must be public.

35.24.190 City council—Mayor pro tempore. The members of the city council at their first meeting after each general municipal election and thereafter whenever a vacancy occurs, shall elect

from among their number a mayor pro tempore, who shall hold office at the pleasure of the council and in case of the absence, death, or disability of the mayor, perform the duties of mayor except that he shall not have the power to appoint or remove any officer or to veto any ordinance.

The mayor and the mayor pro tempore shall have power to administer oaths and affirmations, take affidavits and certify them. The mayor or the mayor pro tempore when acting as mayor, shall sign all conveyances made by the city and all instruments which require the seal of the city.

35.24.200 City council—Quorum—Rules—Journal. At all meetings of the city council, a majority of the councilmen shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

All meetings of the council shall be presided over by the mayor, or, in his absence, by the mayor pro tempore. If the clerk is absent from a council meeting the mayor or mayor pro tempore shall appoint one of the members of the council as clerk pro tempore. The appointment of a councilman as mayor pro tempore or clerk pro tempore shall not in any way abridge his right to vote upon all questions coming before the council.

The city council may establish rules for the conduct of their proceedings and punish any member or other person for disorderly behavior at any meeting.

The clerk shall keep a correct journal of all proceedings and at the desire of any member the ayes and noes shall be taken on any question and entered in the journal.

35.24.210 Ordinances—Style—Requisites—Veto. The enacting clause of all ordinances in a third class city shall be as follows:

“The city council of the city of do ordain as follows:”

No ordinance shall contain more than one subject and that must be clearly expressed in its title.

No ordinance or any section thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section at full length.

No ordinance and no resolution or order shall have any validity or effect unless passed by the votes of at least four councilmen.

No ordinance shall take effect until five days after the date of its publication unless otherwise provided in this title.

Every ordinance which passes the council in order to become valid must be presented to the mayor; if he approves it, he shall sign it, but if not, he shall return it with his written objections to the

council and the council shall cause his objections to be entered at large upon the journal and proceed to a reconsideration thereof. If upon reconsideration five members of the council voting upon a call of yeas and nays favor its passage, the ordinance shall become valid notwithstanding the mayor's veto. If the mayor fails for ten days to either approve or veto an ordinance, it shall become valid without his approval.

Every ordinance shall be signed by the mayor and attested by the clerk.

35.24.220 Ordinances—Publication. Every ordinance of a city of the third class shall be published at least once in a newspaper published in the city, such publication to be made in the city's official newspaper if there is one. If there is no official newspaper or other newspaper published in the city then publication shall be made by printing and posting the ordinance in at least three public places in the city in such manner as the city council may direct.

35.24.230 Ordinances—Prosecution for violations. The violation of any ordinance of a city of the third class shall be a misdemeanor and may be prosecuted as a criminal action in the name of the people of the state of Washington or may be redressed by a civil action, at the option of the authorities.

Any person sentenced to imprisonment for the violation of an ordinance may be imprisoned in the city jail or in the county jail of the county in which the city is situated if the council by ordinance shall so prescribe; in which case the expense of such imprisonment shall be a charge in favor of the county and against the city.

35.24.250 Ordinances granting franchises—Requisites. No ordinance or resolution granting any franchise for any purpose shall be passed by the city council on the day of its introduction, nor for five days thereafter, nor at any other than a regular meeting nor without first being submitted to the city attorney.

No franchise or valuable privilege shall be granted unless by the vote of at least five members of the city council.

The city council may require a bond in a reasonable amount for any person or corporation obtaining a franchise from the city conditioned for the faithful performance of the conditions and terms of the franchise and providing a recovery on the bond in case of failure to perform the terms and conditions of franchise.

35.24.260 Audit and allowance of demands against city. All demands against the city shall be presented to and audited by the city council in accordance with such regulations as it may by ordinance prescribe; and upon the allowance of a demand, the clerk shall draw a warrant upon the treasurer for it, which warrant shall be

countersigned by the mayor and shall specify for what purpose it is drawn and out of which fund it is to be paid.

35.24.274 Contracts with cemetery districts and fire protection districts for public facilities and services—Joint purchasing. Third or fourth class cities and towns may contract, for terms not to exceed five years each term, to provide or have provided public facilities or services with any cemetery district or fire protection district, each of which is separately authorized to operate or provide under terms mutually agreed upon by the governing bodies of such public agencies. The governing body of a third or fourth class city may join with the governing body of any of the other public agencies in buying supplies, equipment, and services collectively, by establishing and maintaining a joint purchasing agency or otherwise, as may be necessary under the circumstances.

35.24.275 ———“Public agency” defined. As used in RCW 35.24.273, “public agency” means third or fourth class cities and towns, cemetery districts and fire protection districts.

35.24.290 Specific powers enumerated. The city council of each third class city shall have power:

(1) To pass ordinances not in conflict with the Constitution and laws of this state or of the United States;

(2) To prevent and regulate the running at large of any or all domestic animals within the city limits or any part thereof and to cause the impounding and sale of any such animals;

(3) To establish, build and repair bridges, to establish, lay out, alter, keep open, open, widen, vacate, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish and reestablish the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part; to construct gutters, culverts, sidewalks and crosswalks therein or upon any part thereof; to cultivate and maintain parking strips therein, and generally to manage and control all such highways and places; to provide by local assessment for the leveling up and surfacing and oiling or otherwise treating for the laying of dust, all streets within the city limits: *Provided*, That in all local improvement districts abutting property shall not be liable for any greater amount than the estimate of the city engineer plus ten percent for any purpose;

(4) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets and alleys or within two hundred feet thereof along which sewers shall have been constructed to make proper connections therewith and to use the same for proper purposes, and in case the owners of the

property on such streets and alleys or within two hundred feet thereof fail to make such connections within the time fixed by such council, it may cause such connections to be made and assess against the property served thereby the costs and expenses thereof;

(5) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(6) To impose and collect an annual license not exceeding two dollars on every dog owned or harbored within the limits of the city, to prohibit dogs running at large and to provide for the killing of all dogs not duly licensed found at large;

(7) To license, for the purposes of regulation and revenue, all and every kind of business authorized by law, and transacted and carried on in such city, and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof, to fix the rate of license tax upon the same, and to provide for the collection of the same by suit or otherwise;

(8) To improve rivers and streams flowing through such city, or adjoining the same; to widen, straighten and deepen the channel thereof, and remove obstructions therefrom; to improve the waterfront of the city, and to construct and maintain embankments and other works to protect such city from overflow; to prevent the filling of the water of any bay, except such filling over tide or shorelands as may be provided for by order of the city council; to purify and prevent the pollution of streams of water, lakes or other sources of supply, and for this purpose shall have jurisdiction over all streams, lakes or other sources of supply, both within and without the city limits. Such city shall have power to provide by ordinance and to enforce such punishment or penalty as the city council may deem proper for the offense of polluting or in any manner obstructing or interfering with the water supply of such city or source thereof;

(9) To erect and maintain buildings for municipal purposes;

(10) To permit, under such restrictions as it may deem proper, and to grant franchises for, the laying of railroad tracks, and the running of cars propelled by electric, steam or other power thereon, and the laying of gas and water pipes and steam mains and conduits for underground wires, and to permit the construction of tunnels or subways in the public streets, and to construct and maintain and to permit the construction and maintenance of telegraph, telephone and electric lines therein;

(11) In its discretion to divide the city by ordinance, into a convenient number of wards, not exceeding six, to fix the boundaries thereof, and to change the same from time to time: *Provided*, That no change in the boundaries of any ward shall be made within sixty days next before the date of a general municipal election, nor

within twenty months after the wards have been established or altered. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmen to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmen so designated shall be elected by the qualified electors resident in such ward, or by general vote of the whole city as may be designated in such ordinance. When additional territory is added to the city it may by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilman from the ward for which he was elected shall create a vacancy in such office;

(12) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed three hundred dollars nor the term of such imprisonment exceed the term of three months;

(13) To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property or works within the city;

(14) To establish fire limits, with proper regulations;

(15) To establish and maintain a free public library;

(16) To establish and regulate public markets and market places;

(17) To punish the keepers and inmates and lessors of houses of ill fame, gamblers and keepers of gambling tables, patrons thereof or those found loitering about such houses and places;

(18) To make all such ordinances, bylaws, rules, regulations and resolutions, not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the corporation and its trade, commerce and manufactures, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter, and to enact and enforce within the limits of such city all other local, police, sanitary and other regulations as do not conflict with general laws;

(19) To license steamers, boats and vessels used in any bay or other watercourse in the city and to fix and collect such license; to provide for the regulation of berths, landings, and stations, and for the removing of steamboats, sail boats, sail vessels, rafts, barges and other water craft; to provide for the removal of obstructions to navigation and of structures dangerous to navigation or to other property, in or adjoining the waterfront, except in municipalities in counties in which there is a city of the first class.

35.24.300 Additional powers—Acquisition, control, and disposition of property. The city council of such city shall have power to

purchase, lease, or otherwise acquire real estate and personal property necessary or proper for municipal purposes and to control, lease, sublease, convey or otherwise dispose of the same; to acquire and plat land for cemeteries and parks and provide for the regulation thereof, including but not limited to the right to lease any waterfront and other lands adjacent thereto owned by it for manufacturing, commercial or other business purposes; including but not limited to the right to lease for wharf, dock and other purposes of navigation and commerce such portions of its streets which bound upon or terminate in its waterfront or the navigable waters of such city, subject, however, to the written consent of the lessees of a majority of the square feet frontage of the harbor area abutting on any street proposed to be so leased. No lease of streets or waterfront shall be for longer than ten years and the rental therefor shall be fixed by the city council. Every such lease shall contain a clause that at intervals of every five years during the term thereof the rental to be paid by the lessee shall be readjusted between the lessee and the city by mutual agreement, or in default of such mutual agreement that the rental shall be fixed by arbitrators to be appointed one by the city council, one by the lessee and the third by the two thus appointed. No such lease shall be made until the city council has first caused notice thereof to be published in the official newspaper of such city at least fifteen days and in one issue thereof each week prior to the making of such lease, which notice shall describe the portion of the street proposed to be leased, to whom, for what purpose, and the rental to be charged therefor. The city may improve part of such waterfront or street extensions by building inclines, wharves, gridirons and other accommodations for shipping, commerce and navigation and may charge and collect for service and use thereof reasonable rates and tolls.

35.24.305 Additional powers—Parking meter revenue for revenue bonds. All cities of the third class, regardless of their form of government, and all municipal corporations of the fourth class (towns), are hereby authorized to use parking meter revenue as a base for obtaining revenue bonds for use in improvement of streets, roads, alleys, and such other related public works.

35.24.306 Additional powers—Ambulances and first aid equipment. In incorporated cities of the third class where commercial ambulance service is not readily available, the city shall have the power:

(1) To authorize the operation of municipally-owned ambulances which may serve the city and may serve for emergencies surrounding rural areas;

(2) To authorize the operation of other municipally-owned first aid equipment which may serve the city and surrounding rural areas;

(3) To contract with the county or with another municipality for emergency use of city-owned ambulances or other first aid equipment: *Provided*, That the county or other municipality shall contribute at least the cost of maintenance and operation of the equipment attributable to its use thereof; and

(4) To provide that such ambulance service may be used to transport persons in need of emergency hospital care to hospitals beyond the city limits.

The council may, in its discretion, make a charge for the service authorized by this section: *Provided*, That such ambulance service shall not enter into competition or competitive bidding where private ambulance service is available.

35.24.310 Eminent domain. Whenever it shall become necessary for the city to take or damage private property for the purpose of establishing, laying out, extending and widening streets and other public highways and places within the city, or for the purpose of securing rights-of-way for drains, sewers and aqueducts, and for the purpose of widening, straightening or diverting the channels of streams and the improvement of waterfronts, or any other public purpose, and the city council cannot agree with the owner thereof as to the price to be paid, the city council may proceed to acquire, take or damage the same in the manner provided by chapter 8.12 RCW or by chapter 8.20 RCW.

35.24.330 Nuisances. Every act or thing done or being within the limits of a third class city which is declared by law or by ordinance to be a nuisance shall be a nuisance and shall be so considered in all actions and proceedings. All remedies given by law for the prevention and abatement of nuisances shall apply thereto.

35.24.340 Taxation—Levy for current expense fund. Every city of the third class shall maintain a current expense fund. For each year it shall levy a tax upon the property in the city for the payment of current expenses in an amount equal to the estimate by the city council of the current expenses for the ensuing year less the amount of revenues from all other sources payable into the current expense fund.

35.24.350 Taxation—Allocation for special improvement or purpose. If by unanimous vote the city council so decides, every city of the third class may use two mills 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.

35.24.370 Taxation—Street poll tax. A third class city may impose upon and collect from every male inhabitant of the city over the age of twenty-one 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.

35.24.380 Taxation—Sinking funds—Investment. Every city of the third class may provide by ordinance and levy taxes for sinking funds for the payment of indebtedness and for the investment thereof in county, city, and school district warrants and in securities of its own municipal utilities and local improvement districts and those of other municipal corporations, all subject to the approval of the division of municipal corporations in the office of the state auditor.

35.24.390 Reserve funds—Investment in city's own bonds. The city treasurer of any third class city, by and with the consent of the city's finance committee, may invest any portion of the money which has accumulated in its various reserve funds in the city's own general obligation bonds or in the city's own utility revenue bonds. The interest received shall be credited to the funds which supplied the money for the investment.

35.24.400 Local improvement guaranty fund—Investment in city's own guaranteed bonds. The city treasurer of any third class city, by and with the consent of the city's finance committee, may invest any portion of its local improvement guaranty fund in the city's own guaranteed local improvement bonds in an amount not to exceed ten percent of the total issue of bonds in any one local improvement district: *Provided*, That no such investment shall be made in an amount which will affect the ability of the local improvement guaranty fund to meet its obligations as they accrue, and that if all the bonds have the same maturity, the bonds having the highest numbers shall be purchased.

The interest received shall be credited to the local improvement guaranty fund.

35.24.410 Utilities—City may contract for service or construct own facilities. The city council of every city of the third class may contract for supplying the city with water, light, power, and heat for municipal purposes; and within or without the city may acquire, construct, repair, and manage pumps, aqueducts, reservoirs, plants, or other works necessary or proper for irrigation purposes or for supplying water, light, power, or heat or any by-

product thereof for the use of the city and any person within the city and dispose of any excess of its supply to any person without the city.

35.24.420 Utilities—Method of acquisition. To pay the original cost of water, light, power, or heat systems, every city of the third class may issue:

(1) General bonds to be retired by general tax levies against all the property within the city limits then existing or as they may thereafter be extended; or

(2) Utility bonds under the general authority given to all cities for the acquisition or construction of public utilities.

Extensions to plants may be made either

(1) By general bond issue,

(2) By general tax levies, or

(3) By creating local improvement districts in accordance with statutes governing their establishment.

35.24.430 Utilities — Maintenance and operation — Rates. No taxes shall be imposed for maintenance and operating charges of city owned water, light, power, or heating works or systems.

Rates shall be fixed by ordinance for supplying water, light, power, or heat for commercial, domestic, or irrigation purposes sufficient to pay for all operating and maintenance charges. If the rates in force produce a greater amount than is necessary to meet operating and maintenance charges, the rates may be reduced or the excess income may be transferred to the city's current expense fund.

Complete separate accounts for municipal utilities must be kept under the system and on forms prescribed by the division of municipal corporations in the office of the state auditor.

The term "maintenance and operating charges," as used in this section includes all necessary repairs, replacement, interest on any debts incurred in acquiring, constructing, repairing and operating plants and departments and all depreciation charges. This term shall also include an annual charge equal to four percent on the cost of the plant or system, as determined by the division of municipal corporations in the office of the state auditor to be paid into the current expense fund, except that where utility bonds have been or may hereafter be issued and are unpaid no payment shall be required into the current expense fund until such bonds are paid.

35.24.440 Procedure to attack consolidation or annexation of territory. Proceedings attacking the validity of the consolidation of a city of the third class or the annexation of territory to a city of the third class shall be by quo warranto only, instituted by the prosecuting attorney of the county in which the city is located or

by a person interested in the proceedings whose interest must clearly be shown. The quo warranto proceedings must be commenced within one year after the consolidation or annexation proceedings complained of and no error, irregularity, or defect of any kind shall be the basis for invalidating a consolidation or annexation after one year.

35.24.450 Police judge—Appointment — Bond — Compensation.

At the time he makes his other appointments, the mayor shall appoint a police judge who shall be the regular elected justice of the peace in all cities of the third class, having a population of five thousand or more, if there is any such justice of the peace present in the city and not under any disability. Said police judge shall, before entering upon the duties of his office, give such additional bond to the city for the faithful performance of his duties as the city council may by ordinance direct, and shall receive such salary in addition to his salary as justice of the peace as the council shall by ordinance direct.

35.24.460 Police judge—Jurisdiction. The police judge so appointed, in addition to his powers as justice of the peace, shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license, penalty or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and pronounce judgment in accordance therewith: *Provided*, That for the violation of a criminal ordinance no greater punishment shall be imposed than a fine of three hundred dollars or imprisonment not to exceed ninety days, or by both such fine and imprisonment. In the trial of actions brought for the violation of any city ordinance, no jury shall be allowed.

35.24.470 Police judge—Review of decisions—Procedure. All civil or criminal proceedings before such police judge and judgments rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal. In actions brought before such police judge to enforce or recover any license, penalty or forfeiture declared or given by any ordinance, and in all other civil actions, the manner of commencing the same, the manner of obtaining service upon the defendants, the procedure during the pendency of the action and for the enforcement of the judgment obtained, if any, and the procedure in appeal there-

from, together with the time limitations upon such appeals, shall be as provided in the case of civil actions before justices of the peace.

Chapter 35.27

TOWNS

35.27.010 Rights, powers and privileges. Every municipal corporation of the fourth class shall be entitled the "Town of" (naming it), and by such name shall have perpetual succession, may sue, and be sued in all courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the town authorities, and may purchase, lease, receive, hold, and enjoy real and personal property and control and dispose of the same for the common benefit.

35.27.030 Uncertain boundaries—Petition—Request for examination. Whenever a petition is presented to the council of any incorporated town in this state, signed by not less than five electors of such town, setting forth that in the belief of the petitioners, the boundaries of said town are indefinite and uncertain and that on account of such indefiniteness and uncertainty the legality of the taxes levied within such town are in danger of being affected, and setting forth the particular causes or reasons of such alleged indefiniteness or uncertainty, it shall be the duty of the town council to cause the petition to be filed and recorded by the clerk, and to cause a copy of the same to be made and certified by the clerk and the corporate seal of such town to be attached to said certificate, and the mayor of such town shall forthwith present said certified copy of the petition to the board of county commissioners of the county wherein said town is situated, with a written request to be signed by him as such mayor that the said board of county commissioners proceed to examine the boundaries of such town or city, and make the same definite and certain.

35.27.040 Duty of county commissioners. The board of county commissioners upon receipt of the certified copy of said petition, and the request aforesaid, shall cause the same to be filed in the office of the county auditor and forthwith proceed to examine the boundaries of the town and make the same definite and certain. For this purpose they may employ a competent surveyor, and shall commence at some recognized and undisputed point on the boundary line of the town, if such there be, and if there is no such recognized and undisputed point, they shall establish a starting point

from the best data at their command and from such starting point they shall run a boundary line by courses and distances around such town, in one tract or body.

35.27.050 Report of survey. The board of county commissioners, without unnecessary delay, shall make and file a report of their doings in the premises in the office of the county auditor, who shall transmit a certified copy thereof under the seal of the county, to the clerk of the town, and the clerk shall record the same in the records of the town, and keep the copy on file in his office. The report shall contain the description of the boundary of the town, as fixed by the board, written in plain words and figures and the boundaries so made and fixed shall be the boundaries of the town, and all the territory included within the boundary lines so established shall be included in the town, and be a part thereof.

35.27.060 Expense of proceedings. The expense of such proceedings shall be paid by the town at whose request the same is incurred. The county commissioners shall each receive as compensation, an amount not exceeding the amount allowed by law for their usual services as commissioners, and, any surveyor or other assistants employed by them, a reasonable compensation to be fixed and certified by said commissioners.

35.27.070 Town officers enumerated. The government of a town shall be vested in a mayor and a council consisting of five members and a treasurer, all elective; the mayor shall appoint a clerk, a marshal, and a police justice; and may appoint a town attorney, pound master, street superintendent, civil engineer, and such police and other subordinate officers as may be provided for by ordinance. All appointive officers shall hold office at the pleasure of the mayor and shall not be subject to confirmation by the town council.

35.27.080 Eligibility to hold elective office. No person shall be eligible to or hold an elective office in a town unless he is a resident and elector therein.

35.27.090 Elections—Terms of office. All general municipal elections in towns shall be held biennially, irrespective of the form of government, on the Tuesday following the first Monday in November in the odd-numbered years, except as provided in RCW 29.13.020 and 29.13.030. The term of office of the mayor and treasurer shall be four years and until their successors are elected and qualified: *Provided*, That the term of the treasurer shall not commence in the same biennium in which the term of the mayor commences. Councilmen shall be elected for four year terms and until their successors are elected and qualified; three at one election and two at the next succeeding biennial election.

35.27.100 Conduct of elections. All elections in towns shall be held in accordance with the general election laws of the state, so far as the same may be applicable; and no person shall be entitled to vote at such election, unless he is a qualified elector of the county, and has resided in the town for at least thirty days next preceding the election.

35.27.110 Contested elections. The council shall judge of the qualifications of its members, and determine contested elections of all town officers.

35.27.120 Oath and bond of officers. Every officer of a town before entering upon the duties of his office shall take and file with the town clerk his oath of office. The clerk, treasurer, and marshal before entering upon their respective duties shall also each execute a bond approved by the council in such penal sum as the council by ordinance may determine, conditioned for the faithful performance of his duties including in the same bond the duties of all offices of which he is made ex officio incumbent.

All bonds, when approved, shall be filed with the town clerk, except the bonds of the clerk which shall be filed with the mayor.

35.27.130 Compensation of officers—Expenses. 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 clerk, treasurer, marshal, and police justice shall severally receive at stated times a compensation to be fixed by ordinance which compensation shall not be increased or diminished after their election nor during their terms of office.

The compensation of all other officers shall be fixed from time to time by the council.

35.27.140 Vacancies. If a member of the council is absent from the town for three consecutive meetings unless by permission of the council his office shall be declared vacant by the council. A vacancy in the office of mayor and vacancies in the council shall be filled by a majority vote of the council. A vacancy in any other office shall be filled by appointment by the mayor. An appointee filling the vacancy in an elective office shall hold office only until the next general election at which time a person shall be elected to serve for the remainder of the unexpired term except that the

person appointed to fill a vacancy in the office of mayor shall serve for the unexpired term.

35.27.160 Mayor—Duties—Powers. The mayor shall preside over all meetings of the council at which he is present. In his absence, a mayor pro tempore may be chosen. The mayor and in his absence a mayor pro tempore to be chosen by the council shall sign all warrants drawn on the treasurer and shall sign all written contracts entered into by the town. The mayor and mayor pro tempore may administer oaths and affirmations, and take affidavits and certify them. The mayor or mayor pro tempore shall sign all conveyances made by the town and all instruments which require the seal of the town.

The authority of the mayor pro tempore shall continue only during the day on which he is chosen.

The mayor is authorized to acknowledge the execution of all instruments executed by the town which require acknowledgment.

35.27.170 Town treasurer—Duties. The town treasurer shall receive and safely keep all money which comes into his hands as treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the clerk. He shall pay out the money on warrants signed by the mayor and countersigned by the clerk and not otherwise. He shall make monthly settlements with the clerk.

35.27.180 Treasurer and clerk may be combined. The council of every town may provide by ordinance that the office of treasurer be combined with that of clerk or that the office of clerk be combined with that of treasurer. This ordinance shall not be voted upon until the next regular meeting after its introduction and shall require the vote of at least two-thirds of the council. The ordinance shall provide the date when the consolidation shall take place which date shall be not less than three months from the date the ordinance goes into effect.

35.27.190 Effect of consolidation of offices. Upon the consolidation of the office of treasurer with that of clerk, the office of treasurer shall be abolished and the clerk shall exercise all the powers and perform all the duties required by statute or ordinance to be performed by the treasurer; in the execution of any papers his designation as clerk shall be sufficient.

Upon the consolidation of the office of clerk with that of treasurer, the treasurer shall exercise all the powers vested in and perform all the duties required to be performed by the clerk.

35.27.200 Abandonment of consolidation. Every town which has combined the office of treasurer with that of clerk or the office of clerk with that of treasurer may terminate the combination by

ordinance, fixing the time when the combination shall cease and providing that the duties thereafter be performed by separate officials. If the office of treasurer was combined with that of clerk, the mayor shall appoint a treasurer who shall serve until the next town election when a treasurer shall be elected for the term as provided by law.

35.27.210 Duty of officers collecting moneys. Every officer collecting or receiving any money belonging to a town shall settle for it with the clerk on the first Monday of each month and immediately pay it into the treasury on the order of the clerk to be credited to the fund to which it belongs.

35.27.220 Town clerk—Duties. The town clerk shall be custodian of the seal of the town. He may appoint a deputy for whose acts he and his bondsmen shall be responsible; he and his deputy may administer oaths or affirmations and certify to them, and may take affidavits and depositions to be used in any court or proceeding in the state.

He shall make a quarterly statement in writing showing the receipts and expenditures of the town for the preceding quarter and the amount remaining in the treasury.

At the end of every fiscal year he shall make a full and detailed statement of receipts and expenditures of the preceding year and a full statement of the financial condition of the town which shall be published.

He shall perform such other services as may be required by statute or by ordinances of the town council.

He shall keep a full and true account of all the proceedings of the council.

35.27.230 Records to be kept by clerk. The proceedings of the town council shall be kept in a book marked "records of council."

The town clerk shall keep a book marked "town accounts," in which shall be entered on the debit side all moneys received by the town including but not limited to proceeds from licenses and general taxes and in which shall be entered on the credit side all warrants drawn on the treasury.

He shall also keep a book marked "marshal's account" in which he shall charge the marshal with all licenses delivered to him and credit him with all money collected and paid in.

He shall also keep a book marked "treasurer's account" in which he shall keep a full account of the transactions of the town with the treasurer.

He shall also keep a book marked "licenses" in which he shall enter all licenses issued by him—the date thereof, to whom issued, for what, the time they expire, and the amount paid.

Each of the foregoing books, except the records of the council, shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein.

He shall also keep a book marked "demands and warrants" in which he shall enter every demand against the town at the time of filing it. He shall state therein the final disposition of each demand and if it is allowed and a warrant drawn, he shall state the number of the warrant and its date. This book shall contain an index in which reference shall be made to each demand.

35.27.240 Town marshal—Police department. The department of police in a town shall be under the direction and control of the marshal subject to the direction of the council. He shall prosecute before the police justice all violations of town ordinances which come to his knowledge. He shall have charge of the prison and prisoners. He may pursue and arrest violators of town ordinances beyond the town limits.

His lawful orders shall be promptly executed by deputies, police officers and watchmen. Every citizen shall lend him aid, when required, for the arrest of offenders and maintenance of public order. He may appoint, subject to the approval of the council, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose compensation shall be fixed by the council. With the concurrence of the mayor, he may appoint additional policemen for one day only when necessary for the preservation of public order.

He shall have the same authority as that conferred upon sheriffs for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions and shall be entitled to the same protection.

He shall execute and return all process issued and directed to him by any legal authority and for his services shall receive the same fees as are paid to constables.

He shall receive from the clerk all licenses and collect them. He shall perform such other services as the council by ordinance may require.

35.27.250 Town attorney—Duties. The town attorney shall advise the town authorities and officers in all legal matters pertaining to the business of the town.

35.27.270 Town council—Oath—Meetings. The town council shall meet on the second Tuesday in January succeeding the date of the general municipal election, shall take the oath of office, and shall hold regular meetings at least once each month at such times as may be fixed by ordinance. Special meetings may be called at

any time by the mayor or by three councilmen, by written notice delivered to each member at least three hours before the time specified for the proposed meeting. No resolution or order for the payment of money shall be passed at any other than a regular meeting. No such resolution or order shall be valid unless passed by the votes of at least three councilmen.

All meetings of the council shall be held within the corporate limits of the town, at such places as may be designated by ordinance and shall be public.

35.27.280 Town council—Quorum—Rules—Journal. A majority of the councilmen shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

The mayor shall preside at all meetings of the council. In the absence of the mayor the council may appoint a president pro tempore; in the absence of the clerk, the mayor or president pro tempore, shall appoint one of the council members as clerk pro tempore. The council may establish rules for the conduct of its proceedings and punish any members or other person for disorderly behavior at any meeting. At the desire of any member, the ayes and noes shall be taken on any question and entered in the journal.

35.27.290 Ordinances—Style—Signatures. The enacting clause of all ordinances shall be as follows: "Be it ordained by the council of the town of" "

Every ordinance shall be signed by the mayor and attested by the clerk.

35.27.300 Ordinances—Publication. Every ordinance shall be published at least once in a newspaper published in the town or, if there is no such newspaper, it shall be printed and posted in at least three public places therein.

35.27.310 Ordinances—Clerk to keep book of ordinances. The town clerk shall keep a book marked "ordinances" into which he shall copy all town ordinances, with his certificate annexed to said copy stating that the foregoing ordinance is a true and correct copy of an ordinance of the town, and giving the number and title of the ordinance, and stating that it has been published or posted according to law. Such record copy, with the clerk's certificate, shall be prima facie evidence of the contents of the ordinance and of its passage and publication, and shall be admissible as such in any court or proceeding. Such record shall not be filed in any case but shall be returned to the custody of the clerk. Nothing herein shall be construed to prevent the proof of the passage and publica-

tion of ordinances in the usual way. The book of ordinances shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein.

35.27.320 Ordinances—Prosecution for violations. The violation of an ordinance of a town shall be a misdemeanor, and may be prosecuted by the authorities thereof in the name of the people of the state of Washington or may be redressed by civil action.

Any person sentenced to imprisonment may be imprisoned in the town jail, or if the council by ordinance shall so prescribe and if the county commissioners have consented thereto, he may be imprisoned in the county jail, the expense thereof to be a charge against the town and in favor of the county.

35.27.330 Ordinances granting franchises—Requisites. No ordinance or resolution granting any franchise for any purpose shall be passed by the council on the day of its introduction, nor within five days thereafter, nor at any other than a regular meeting, and no such ordinance or resolution shall have any validity or effect unless passed by the vote of at least three councilmen. The town council may require a bond in a reasonable amount from any persons and corporations obtaining a franchise from the town conditioned for the faithful performance of the conditions and terms of the franchise and providing a recovery on the bond in case of failure to perform the terms and conditions of the franchise.

35.27.340 Audit and allowance of demands against town. All demands against a town shall be presented to and audited by the council in accordance with such regulations as they may by ordinance prescribe. Upon allowance of a demand the mayor shall draw a warrant therefor upon the treasurer; the warrant shall be countersigned by the clerk and shall specify the purpose for which it is drawn.

The town clerk and his deputy shall take all necessary affidavits to claims against the town and certify them.

35.27.350 Contract for town printing. Every town may designate any daily or weekly newspaper published or of general circulation therein as its official newspaper and all notices published in that newspaper for the period and in the manner provided by law or the ordinances of the town shall be due and legal notice.

35.27.370 Specific powers enumerated. The council of said town shall have power:

(1) To pass ordinances not in conflict with the Constitution and laws of this state, or of the United States;

(2) To purchase, lease or receive such real estate and personal property as may be necessary or proper for municipal purposes,

and to control, dispose of and convey the same for the benefit of the town; to acquire, own, and hold real estate for cemetery purposes either within or without the corporate limits, to sell and dispose of such real estate, to plat or replat such real estate into cemetery lots and to sell and dispose of any and all lots therein, and to operate, improve and maintain the same as a cemetery: *Provided*, That they shall not have the power to sell or convey any portion of any waterfront;

(3) To contract for supplying the town with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for use of such town or its inhabitants, or for irrigating purposes therein;

(4) To establish, build and repair bridges, to establish, lay out, alter, widen, extend, keep open, improve, and repair streets, sidewalks, alleys, squares and other public highways and places within the town, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, plank, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or on any part thereof; to cause to be planted, set out and cultivated trees therein, and generally to manage and control all such highways and places;

(5) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets along which sewers are constructed to make proper connections therewith, and to use the same for proper purposes when such property is improved by the erection thereon of a building or buildings; and in case the owners of such improved property on such streets shall fail to make such connections within the time fixed by such council, they may cause such connections to be made, and to assess against the property in front of which such connections are made the costs and expenses thereof;

(6) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(7) To impose and collect an annual license not exceeding two dollars on every dog allowed to run at large within the limits of the town, and to provide for the killing of all dogs found at large and not duly licensed;

(8) To levy and collect annually a property tax, for the payment of current expenses and for the payment of indebtedness (if any indebtedness exists) within the limits authorized by law;

(9) To license, for purposes of regulation and revenue, all and every kind of business, authorized by law and transacted and carried on in such town; and all shows, exhibitions and lawful games

carried on therein and within one mile of the corporate limits thereof; to fix the rate of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; to regulate, restrain, or prohibit the running at large of any and all domestic animals within the city limits, or any part or parts thereof, and to regulate the keeping of such animals within any part of the city; to establish, maintain and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed on, and collected from, the owners of any impounded stock;

(10) To improve the rivers and streams flowing through such town or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to prevent the pollution of streams or water running through such town, and for this purpose shall have jurisdiction for two miles in either direction; to improve the waterfront of the town, and to construct and maintain embankments and other works to protect such town from overflow;

(11) To erect and maintain buildings for municipal purposes;

(12) To grant franchises or permits to use and occupy the surface, the overhead and the underground of streets, alleys and other public ways, under such terms and conditions as it shall deem fit, for any and all purposes, including but not being limited to the construction, maintenance and operation of railroads, street railways, transportation systems, water, gas and steam systems, telephone and telegraph systems, electric lines, signal systems, surface, aerial and underground tramways;

(13) To punish the keepers and inmates and lessors of houses of ill fame, and keepers and lessors of gambling houses and rooms and other places where gambling is carried on or permitted, gamblers and keepers of gambling tables;

(14) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months;

(15) To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the town;

(16) To operate ambulance service which may serve the town and surrounding rural areas and, in the discretion of the council, to make a charge for such service;

(17) To make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the Constitution and laws

of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the town and its trade, commerce and manufacturers, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

35.27.380 Additional powers—Eminent domain. Whenever it becomes necessary for a town to take or damage private property for the purpose of establishing, laying out, extending, and widening streets and other public highways and places within the town, or for the purpose of rights-of-way for drains, sewers, and aqueducts, and for the purpose of widening, straightening, or diverting the channels of streams and the improvement of waterfronts, and the council cannot agree with the owner thereof as to the price to be paid, the council may direct proceedings to be taken under the general laws of the state to procure the same.

35.27.400 Fire limits—Parks. Towns are hereby given the power to establish fire limits with proper regulations; to acquire by purchase or otherwise, lands for public parks within or without the limits of the town, and to improve the same.

35.27.410 Nuisances. Every act or thing done or being within the limits of a town, which is declared by law or by ordinance to be a nuisance shall be a nuisance and shall be so considered in all actions and proceedings. All remedies given by law for the prevention and abatement of nuisances shall apply thereto.

35.27.420 Taxation—Estimates to be filed. On or before the second Monday in September of each year the town council shall make estimates of the amount required to meet the expenses of the town for the ensuing year and the amount necessary to be raised by taxation.

The estimates shall be fully itemized, showing under separate heads the amount required for each department, public office, public official, public improvement, maintenance of each public building, structure, or institution, the salary of each public officer or employee, the maintenance of public highways, roads, streets, and bridges and the construction, operation, and maintenance of each public utility. They shall contain a full and complete disclosure and statement of the contemplated expenditures for the ensuing year, showing the amount to be expended from each separate fund, and the total amount of public expense.

They shall also contain the total amount of emergency warrants issued during the preceding fiscal year. The statement shall also contain an estimate of the receipts for the ensuing year from sources other than direct taxation and the amount proposed to be raised

by taxation upon the real and personal taxable property within the town, which shall include a levy sufficient to pay any emergency warrants remaining unpaid and to reimburse any funds out of which any of them may have been paid.

35.27.430 Taxation—Notice of hearing on estimates. Notice of the hearing to be held on the budget estimates and the estimates themselves shall be published for at least two consecutive weeks following the adoption of the estimates in a newspaper of general circulation in the town.

The notice shall state that the town council will meet on the first Monday in October at the hour and place named therein for the purpose of making tax levies as stated in the estimates.

35.27.440 Taxation—Hearing—Tax levies. On the first Monday in October of each year at the hour and place designated in the notice of the hearing, the town council shall hold a hearing on the tax levies proposed in the estimates at which the taxpayer may appear in favor or against them. At the conclusion of the hearing the council shall determine the amount of taxes to be levied upon the current assessment rolls. All taxes voted shall be levied in specific sums which shall not exceed the amounts specified in the published estimates.

35.27.450 Taxation—Tolerance allowed in expenditures—Penalty for violations. It shall be unlawful for any town council, public officer or employee of a town to contract any indebtedness or incur any liability in behalf of the town during any current fiscal year more than two percent in excess of the revenues provided for that year in the town's formally adopted estimates unless authorized by a majority vote of the electors of the town at a general or special election and any indebtedness contracted or liability incurred in violation hereof shall be void: *Provided*, That this shall not apply to emergency expenditures authorized as provided in RCW 35.27.460 and 35.27.470.

Any person violating the provisions of this section and RCW 35.27.420, 35.27.430, 35.27.440, 35.27.460, 35.27.470 and 35.27.480 shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars nor more than five hundred dollars.

35.27.460 Taxation—Nondebatable emergency expenditures. Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or public health, or for the restoration to a condition of usefulness of any public property, the usefulness of which has been destroyed by accident, or for the relief of a stricken community overcome by calamity, or in settlement of

approved claims for personal injuries or property damages (exclusive of claims arising from the operation of any public utility owned by the town) or to meet mandatory expenditures required by laws enacted since the last annual estimate was adopted, or to cover expenses incident to asking necessary arrangements for the establishment of a new form of government between the date on which the change in form of government has been approved by the electorate of the town and the date on which it is to become effective, including the expenses incident to arranging for the initial selection of a city manager when the form of government has been changed to the council-manager plan, the town council, upon the adoption by unanimous vote of all members present of an ordinance stating the facts constituting the emergency and the estimated amount required to meet it, may make the expenditures therefor without any further notice or hearing.

35.27.470 Taxation—Emergencies subject to hearing. If a public emergency which could not reasonably have been foreseen at the time of making the annual estimate requires the expenditures of money not provided for in such estimate, and if it is not one of the emergencies specifically enumerated in RCW 35.27.460, the town council before making any expenditure beyond the two percent tolerance excess permitted, shall adopt an ordinance stating the facts constituting the emergency and the estimated amount required to meet it and declaring that an emergency exists.

This ordinance shall not be voted on until one week has elapsed after its introduction and it shall require the unanimous vote of the council members present and the approval of the mayor.

Any taxpayer may appear at the council meeting at which the emergency ordinance is to be voted on and be heard for or against the adoption thereof.

35.27.480 Taxation—payment of emergency warrants. All emergency expenditures shall be paid for by the issuance of emergency warrants. Emergency warrants shall be paid from any money on hand in the town treasury in the fund properly chargeable with the expenditure.

If at any time there is insufficient money on hand in the proper fund with which to pay any emergency warrant, the warrant shall be registered, bear interest and shall be called in the same manner as other town warrants.

35.27.500 Taxation—Street poll tax. A town may impose upon and collect from every male inhabitant of the town over twenty-one 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.

35.27.510 Utilities—Transfer of part of net earnings to current expense fund. When any special fund of a public utility department of a town has retired all bond and warrant indebtedness and is on a cash basis, if a reserve or depreciation fund has been created in an amount satisfactory to the division of municipal corporations in the office of the state auditor and if the fixing of the rates of the utility is governed by contract with the supplier of water, electrical energy, or other commodity sold by the town to its inhabitants, and the rates are at the lowest possible figure, the town council may set aside such portion of the net earnings of the utility as it may deem advisable and transfer it to the town's current expense fund: *Provided*, That no amount in excess of fifty percent of the net earnings shall be so set aside and transferred except with the unanimous approval of the council and mayor.

35.27.520 Police justice—Appointment—Salary. In every town a police justice shall be appointed from among the regularly elected justices of the peace and shall receive such salary in addition to his salary as justice of the peace as the council by ordinance may direct and shall give such additional bond as the council may provide.

35.27.530 Police justice—Jurisdiction. The police justice in addition to his powers as justice of the peace shall have exclusive jurisdiction over all offenses defined by any ordinance of the town and all other actions brought to enforce or recover any license, penalty, or forfeiture declared or given by any ordinance with full power to forfeit bail, issue executions on bail bonds, and hear and determine all causes, civil or criminal, arising under any ordinance and pronounce judgment in accordance therewith: *Provided*, That for the violation of a criminal ordinance no greater punishment shall be imposed than a fine of one hundred dollars or imprisonment not to exceed thirty days or both such fine and imprisonment.

35.27.540 Police justice—Procedure—Review. In actions brought before the police justice to enforce or recover any license, penalty, or forfeiture declared or given by any ordinance and in all other civil actions, the manner of commencing them, the manner of obtaining service upon the defendants, the procedure during the pendency of the action and for the enforcement of the judgment rendered and the procedure on appeal therefrom together with the time limitation on appeal shall be as provided in the case of civil actions before justices of the peace.

In the trial of actions brought for violations of town ordinances no jury shall be allowed and no change of venue shall be allowed from the police judge.

All civil and criminal proceedings before a police justice and judgments rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal.

35.27.550 Off-street parking space and facilities—Authorized—Declared public use. Towns of the fourth class are authorized to provide off-street parking space and facilities for motor vehicles, and the use of real property for such purpose is declared to be a public use.

35.27.560 ————Financing. In order to provide for off-street parking space and/or facilities, such towns are authorized, in addition to their powers for financing public improvements, to finance their acquisition through the issuance and sale of revenue bonds and general obligation bonds. Any bonds issued by such towns pursuant to this section shall be issued in the manner and within the limitations prescribed by the Constitution and the laws of this state. In addition local improvement districts may be created and their financing procedures used for this purpose in accordance with the provisions of Title 35, as now or hereafter amended. Such towns may finance from their general budget, costs of land acquisition, planning, engineering, location, design and construction to the off-street parking.

35.27.570 ————Acquisition and disposition of real property. Such towns are authorized to obtain by lease, purchase, donation and/or gift, or by eminent domain in the manner provided by law for the exercise of this power by cities, such real property for off-street parking as the legislative bodies thereof determine to be necessary by ordinance. Such property may be sold, transferred, exchanged, leased, or otherwise disposed of by the town when its legislative body has determined by ordinance such property is no longer necessary for off-street parking purposes.

35.27.580 ————Operation—Lease. Such towns are authorized to establish the methods of operation of off-street parking space and/or facilities by ordinance, which may include leasing or municipal operation.

35.27.590 ————Hearing prior to establishment. Before the establishment of any off-street parking space and/or facilities, the town shall hold a public hearing thereon, prior to the adoption of any ordinance relating to the leasing or acquisition of property, and for the financing thereof for this purpose.

35.27.600 ————Construction. Insofar as the provisions of RCW 35.27.550 through 35.27.600 are inconsistent with the provisions of any other law, the provisions of RCW 35.27.550 through 35.27.600 shall be controlling.

Chapter 35.30**UNCLASSIFIED CITIES**

35.30.010 Additional powers. The council, or other legislative body, of all cities within the state of Washington which were created by special charter prior to the adoption of the state Constitution, and which have not since reincorporated under any general statute, shall have, in addition to the powers specially granted by the charter of such cities, the following powers:

- (1) To construct, establish and maintain drains and sewers.
- (2) To impose and collect an annual license not exceeding two dollars on every dog owned or harbored within the limits of the city.
- (3) To levy and collect annually a property tax on all property within such city.
- (4) To license all shows, exhibitions and lawful games carried on therein; and to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.
- (5) To permit, under such restrictions as they may deem proper, the construction and maintenance of telephone, telegraph and electric light lines therein.
- (6) To impose fines, penalties and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment or both, but no such fine shall exceed three hundred dollars nor the term of imprisonment exceed three months.
- (7) To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the city.
- (8) To make all such ordinances, bylaws and regulations, not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the city, and to do and perform any and all other acts and things necessary and proper to carry out the purposes of the municipal corporation.

35.30.020 Sewer systems—Sewer fund. 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 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.

35.30.030 Assessment, levy and collection of taxes. The city council shall have power to provide by ordinance a complete system for the assessment, levy, and collection of all city taxes. All taxes assessed together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed from and after the first day of November each year; which liens may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance or by action in any court of competent jurisdiction to foreclose such liens: *Provided*, That any property sold for taxes shall be subject to redemption within the time and within the manner provided or that may hereafter be provided by law for the redemption of property sold for state and county taxes.

35.30.040 Limitation of indebtedness. Whenever it is deemed advisable to do so by the city council thereof, any city having a corporate existence in this state at the time of the adoption of the Constitution thereof is hereby authorized and empowered to borrow money and to contract indebtedness in any other manner for general municipal purposes, not exceeding in amount, together with the existing general indebtedness of the city, the amount of indebtedness authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without the assent of the voters.

35.30.050 Additional indebtedness with popular vote. Any such city may borrow money or contract indebtedness for strictly municipal purposes over the amount specified in RCW 35.30.040, but not exceeding in amount, together with existing general indebtedness, the amount of indebtedness authorized by chapter 39.36 RCW as now or hereafter amended, to be incurred with the assent of the voters, through the council of the city, whenever three-fifths of the voters assent thereto, at an election to be held for that purpose, at such time, upon such reasonable notice, and in the manner presented by the city council, not inconsistent with the general election laws.

35.30.060 Additional indebtedness for municipal utilities. In addition to the powers granted in RCW 35.30.040 and 35.30.050, any such city, through its council may borrow money or contract indebtedness not exceeding in amount the amount of indebted-

ness authorized by chapter 39.36.RCW, as now or hereafter amended, for the purpose of supplying the city with water, artificial light, or sewers, when the plants used therefor are owned and controlled by the city, whenever three-fifths of the voters assent thereto at an election to be held for that purpose, according to the provisions of RCW 35.30.050.

Chapter 35.31

ACCIDENT CLAIMS AND FUNDS

35.31.010 First class cities—Statement of residence required—Time for filing. Whenever a claim for damages sounding in tort against any city of the first class is presented to and filed with the city clerk or other proper officer of the city, in compliance with valid charter provisions thereof, such claim must contain in addition to the valid requirements of the city charter relating thereto, a statement of the actual residence of the claimant, by street and number, at the date of presenting and filing such claim; and also a statement of the actual residence of the claimant for six months immediately prior to the time the claim for damages accrued.

All claims for damages against any city of the first class must be filed with the city clerk or other proper officer within ninety days from the date that the damage occurred or the injury was sustained: *Provided*, That claims for damages arising from an alleged defective sidewalk must be filed within thirty days from the date the damage occurred or the injury was sustained.

35.31.020 First class cities—Provisions cumulative—Time for filing—Claims by relatives or agents. Nothing herein shall be construed as in anywise modifying, limiting or repealing any valid provision of the charter of any first class city relating to such claims for damages, except as provided in RCW 35.31.010 and this section, but the provisions hereof shall be in addition to such charter provisions, and such claims for damages, in all other respects, shall conform to and comply with such charter provisions. All claims for damages against a city of the first class shall be filed within ninety days from the date that the damage occurred or the injury was sustained: *Provided*, That claims for damages arising from an alleged defective sidewalk must be filed within thirty days from the date the damage occurred or the injury was sustained: *Provided further*, That if the claimant is incapacitated from verifying and filing his claim for damages within the time prescribed, or if the claimant is a minor, or in case the claim is for damages to real or personal property, and if the owner of such property is a nonresident of such city or is absent therefrom during the time

within which a claim for damages to said property is required to be filed, then the claim may be verified and presented on behalf of the claimant by any relative or attorney or agent representing the injured person, or in case of damages to property, representing the owner thereof.

35.31.030 Compliance mandatory. Compliance with the provisions of RCW 35.31.010 and 35.31.020 is hereby declared to be mandatory upon all such claimants presenting and filing any such claims for damages.

35.31.040 Other than first class cities—Presentation and filing of claim, time limitation—Verification—Report—Requisites of claim. All claims for damages against any city of the second or third class or town must be presented to the city or town council and filed with the city or town clerk within ninety days from the date that the damage occurred or the injury was sustained: *Provided*, That claims for damages arising from an alleged defective sidewalk must be filed within thirty days from the date the damage occurred or the injury was sustained: *Provided further*, That if the claimant is incapacitated from verifying and filing his claim for damages within said time limitation, or if the claimant is a minor, then the claim may be verified and presented on behalf of the claimant by any relative or attorney or agent representing the injured person.

No ordinance or resolution shall be passed allowing such claim or any part thereof, or appropriating any money or other property to pay or satisfy the same or any part thereof, until the claim has first been referred to the proper department or committee, nor until such department or committee has made its report to the council thereon pursuant to such reference.

All such claims for damages must accurately locate and describe the defect that caused the injury, reasonably describe the injury and state the time when it occurred, give the residence for six months last past of claimant, contain the item of damages claimed and be sworn to by the claimant or a relative, attorney or agent of the claimant.

No action shall be maintained against any such city or town for any claim for damages until the same has been presented to the council and sixty days have elapsed after such presentation.

35.31.050 Accident fund—Warrants for judgments. Every city of the second or third class and town may create an accident fund upon which the clerk shall draw warrants for the full amount of any judgment including interest and costs against the city or town on account of personal injuries suffered by any person as shown by a transcript of the judgment duly certified to the clerk. The warrants shall be issued in denominations not less than one hun-

dred dollars nor more than five hundred dollars; they shall draw interest at the rate of six percent per annum, shall be numbered consecutively and be paid in the order of their issue.

35.31.060 Tax levy for fund. 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. If a single levy of three mills is not sufficient, an annual levy of three mills shall be made until the warrants and interest are fully paid.

35.31.070 Surplus to current expense fund. If there is no judgment outstanding against the city or town for personal injuries the money remaining in the accident fund after the payment of the warrants drawn on that fund and interest in full shall be transferred to the current expense fund.

Chapter 35.32

BUDGETS IN CITIES OVER 300,000

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

(1) Auditor means the chief auditing officer, comptroller, auditor, or clerk of a city.

(2) Budget means a definite plan for the financing of the city government for a specified fiscal period.

(3) Capital and betterment outlays include all amounts expended for permanent improvements such as the construction of or addition to public buildings, highways, or bridges, the acquisition of real estate, purchase of equipment, machinery, and furniture and all similar outlays representing tangible assets.

(4) Council includes the respective governing officials, city councils or city commissioners.

(5) Item means a specified sum to be paid for salaries, the total of any amount authorized to be paid for any specified kind of labor, the total of any amount authorized to be paid for any specified purpose, or specified sums to be paid for each capital outlay in a department.

(6) Operating and maintenance expenses include the salaries of every officer and employee, the amounts required for the upkeep and maintenance of the respective departments, the maintenance and repair of public streets, highways, bridges, buildings, and similar expenses.

35.32.020 Budget mandatory—Other expenditures void. No public officer or employee of a city having a population of over three hundred thousand shall contract any indebtedness or incur any liability in any manner, either for a purpose not provided for in the city's budget prepared and adopted as provided in this chapter or in excess of the amount appropriated for any specific item as set forth therein. All orders, authorizations, allowances, contracts, or payments made or attempted to be made in violation of the provisions of this chapter shall be void and shall never be the foundation of a claim against the city.

35.32.030 Budget estimates. On or before the tenth day of July of each year, the heads of all departments shall submit to the finance committee of the city council an estimate of the probable expense of their several departments for the ensuing year.

If any person charged with the duty of preparing a budget estimate for any department fails to file it at the time or in the manner prescribed, the council may prepare the estimate for the department from the records of his office and other competent information.

35.32.040 Budget estimates—Classification and segregation. The annual budget estimates shall be designated, grouped, and assembled under classifications to be prescribed by the state auditor under the following segregations:

- (1) Operating and maintenance expenses;
- (2) Capital and betterment outlays; and
- (3) Emergency expenditures.

35.32.050 Budget estimates—Deficits—Debts. The city council shall prepare an estimate of the various amounts required to meet interest and redemption payments upon the debt of the city for the ensuing year and the net amount of the surplus or deficit in the various funds as established at the close of the previous year from the official records.

35.32.060 Budget estimates—Revenues. The city council shall also prepare an estimate of the revenues, other than taxes, that are likely to accrue to the city. The auditor shall furnish the council such information as it requires in preparing this estimate.

35.32.070 Budget—Preliminary hearing—Publication. On or before the first Monday in September, after the proper assembling of the estimates of the various departments and after consideration of the estimates, during which consideration all persons interested shall be given an opportunity for a thorough and complete discussion of the items stated therein, the council shall adopt

the preliminary budget and cause a complete copy thereof to be published once each week for two successive weeks.

35.32.080 Budget—Final hearing—Adoption. On or before the first Monday in October, the council shall further consider the estimates in the preliminary budget at which hearings all persons interested shall be given an opportunity for discussion and suggestions, and the council shall then determine the changes to be made in the preliminary budget and adopt as the final budget the preliminary budget so amended.

In making up the final budget, the council may make transfers as between items for any department and may reduce any item, but it shall not allow to any department a greater total amount than was allotted to it in the preliminary budget.

35.32.090 Budget forms—Compulsory. The state auditor shall prepare the proper budget forms and every auditor shall install such forms and prepare the claim sheets, vouchers, warrant registers, and other records so as to accommodate and classify the revenues and expenses under the classifications required in the budget in order to make a proper comparison between the amounts listed in the budget with the actual expenditures made against them and to facilitate the assembling of uniform statistical data of the fiscal affairs of all cities.

35.32.100 Emergency—Creation of fund. Every city having a population of over three hundred thousand shall maintain an emergency fund supported by a levy included in the annual budget to produce an amount which together with any balance in the emergency fund does not exceed one and one-half mills on each dollar of assessed valuation or by a transfer from other funds or both. Transfers may be made to the emergency fund when the necessity therefor arises from any fund except trust funds and sinking funds for the redemption of bonds. Any deficit in the general fund, or any other fund, created by such transfer, shall be provided for in the next succeeding tax levy.

35.32.110 Emergency—Withdrawals. No money shall be withdrawn from the emergency fund except by warrant specifically authorized by an ordinance clearly stating the facts constituting the emergency. An ordinance declaring an emergency shall become effective immediately upon being approved by the mayor or upon being passed over his veto as provided by the charter of any such city.

35.32.120 Emergencies declarable by three-fourths vote. The council by an ordinance passed by three-fourths 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.

35.32.130 Emergencies requiring unanimous vote. The council by an ordinance passed by unanimous vote of all its members may appropriate from the emergency fund, an amount sufficient to meet the actual necessary expenditures of any department 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, but such unanimous vote requirement shall exclude members absent on leave or on account of illness.

35.32.140 Funds—Appropriations—Transfers. On or before December 15th of each year the council by ordinance shall appropriate to each department the specific amounts allowed to it in the final budget subject to the authority of the council by ordinance to make transfers as between items in the budget of any department and to withdraw the whole or any unexpended part of any item for maintenance or betterments listed in the appropriation ordinance.

35.32.150 Funds—Monthly budget—Exceptions. It shall not be lawful for any board, department, officer or employee to incur, authorize, or contract for in any one month any expenditure or demand against any budget appropriation which, taken with all other expenditures, indebtedness, or liability made or incurred during the month against the appropriation, exceeds one-twelfth of the amount of the appropriation for the fiscal year, except that for any sudden or unforeseen demand, accident, or seasonal expense or for any expenditure the nature of which necessitates lump sum appropriations and payments or for the purchase of any material or supplies procurable to better advantage in larger quantities, the council or its finance committee may suspend the one-twelfth restriction to the extent of but not to exceed the unexpended allowance in the budget for such item or items for the current fiscal year.

35.32.160 Unexpended appropriations—Annual—Operating and maintenance. All sums provided in the budget for operating and maintenance expenses of any department or activity other than municipal utility departments remaining unexpended or unencumbered at the close of the fiscal year, except such sums as the council, by ordinance, shall designate, shall automatically revert to the city's surplus account and shall be applied to the reduction of the tax levy of the next fiscal year.

35.32.170 Unexpended appropriations—Annual—Capital and betterment outlays. All sums provided in the budget for capital or betterment outlays of any department other than municipal utility departments remaining unexpended or unencumbered at the close of the fiscal year shall remain in full force and effect and shall be held available for those items for the following year, except such as the council by ordinance may have abandoned. The abandoned items shall be credited to the surplus account and applied to the reduction of the tax levy for the following year.

35.32.180 Unexpended balances—Monthly. If, at the beginning of any month, any money remains unexpended in any appropriation which lawfully might have been expended during the preceding month of the fiscal year, such unexpended balance may be carried forward and expended in any succeeding month of the same fiscal year but not thereafter.

35.32.190 Utilities—Exemption from budget control—Capital and emergency expenditures. Notwithstanding the provisions of this chapter, the utilities of a city having a population of over three hundred thousand owning public utilities supported wholly by revenues derived from sources other than taxation shall not be required to confine their capital, betterment, or emergency expenditures to items provided for in the budget.

35.32.195 Municipal transportation systems—Budget by transportation commission. In any city of the first class having a population of three hundred thousand or more, where there is a transportation commission vested with the power to manage a municipal transportation system, that commission is hereby vested with the power to budget and manage all funds of the municipal transportation system.

35.32.200 Computation of indebtedness. In computing the legal limit of indebtedness of any city, taxes levied for the purposes set forth in the budget shall not be considered an asset, but shall be deemed for such purposes to have already been pledged and expended for the items set forth in the budget: *Provided*, That all

taxes levied for the redemption of bonds or warrants or other public debts, shall be deemed a competent and valid asset of the city to be considered in the calculations of the legal debt limitations.

35.32.210 Violations and penalties. Every public official authorizing, auditing, allowing, or paying any claims or demands against a city in violation of the provisions of this chapter shall be jointly and severally liable to the city in person and upon their official bonds to the extent of any payments upon such claims or demands.

Every person shall be charged with notice of the financial condition of the city and the limitations imposed upon expenditures by the budget and claims against it.

If any officer or employee charged with the duty of preparing a budget estimate for any department fails to file it at the time or in the manner prescribed, the council may cause to be deducted from his salary ten dollars for every day of such failure after the tenth of July not exceeding a total of fifty dollars for any one person in any one year. The deductions shall be made from the delinquent's next salary warrant by the auditor upon notice from the city council of the length of the delay.

Every person violating any of the provisions of this chapter, in addition to any other liability or penalty provided therefor, shall be guilty of a misdemeanor.

Chapter 35.33

BUDGETS IN SECOND AND THIRD CLASS CITIES AND FIRST CLASS CITIES UNDER 300,000

35.33.010 Definitions. Unless the context clearly indicates otherwise, "clerk" as used in this chapter means the officer performing the functions of a city comptroller or auditor by whatever title he may be known in any individual city.

35.33.020 Applicability of chapter. The provisions of this chapter apply to cities of the first class which have a population of less than three hundred thousand and to all cities of the second and third classes.

35.33.030 Budget estimates. On or before the second Monday in July of each year the clerk shall notify in writing every person in charge of an office, department, division, service, or institution of the city to file with him on or before the second Monday in August thereafter, detailed and itemized estimates, of the probable revenue from sources other than taxation, and of all expenditures required by his office, department, division, service, or institution for the ensuing fiscal year. The notice shall be accompanied by

the proper forms provided by the clerk made in accordance with the requirements and classification established by the division of municipal corporations in the office of the state auditor.

The clerk shall prepare the estimates for interest and debt redemption requirements and all other estimates the preparation of which falls properly within the duties of his office.

The city commission in cities having the commission form of government and the mayor in all other cities shall submit to the clerk detailed estimates of all expenditures proposed to be financed from the proceeds of bonds or warrants not yet authorized, together with a statement of the proposed method of financing them.

It shall be the duty of all city officials to file the estimates within the time and in the manner specified in the clerk's notice and the clerk shall deduct and withhold from the salary of each official failing to file such estimates as herein provided the sum of ten dollars for each day of delay, but the total penalty against any one official shall not exceed fifty dollars in one year. The clerk's notice shall contain a copy of this penalty clause.

In the absence or disability of the official or person regularly in charge, the duties herein required shall devolve upon the person in charge of any office, department, division, service, or institution for the time being.

35.33.040 Budget estimates—Classification and segregation—Transfer. All estimates, appropriations and expenditures shall be classified under the general classes of:

- (1) Salaries and wages;
- (2) Maintenance and operation;
- (3) Capital outlay;
- (4) Interest and debt redemption;
- (5) Expenditures proposed to be made from bond or warrant issues not yet authorized.

Within the general class of "salaries and wages" each salary shall be set forth separately, together with the title or position of the recipient. Wages for day labor may be given in totals according to the general purpose or object for which to be expended but the proposed rate per diem for each class or kind of labor shall be set forth. Expenditures coming under the general class of "maintenance and operation" shall be classified according to the standard classification established by said division of municipal corporations. Expenditures for "capital outlay" shall set forth and describe each proposed object of expenditure separately. Under the general class of "interest and debt redemption" proposed expenditures for interest and for redemption of principal shall be set forth separately and for each series or issue of bonds and requirement for warrant redemption and interest shall be set out in a like manner. The total

amount of emergency warrants issued during the preceding fiscal year shall be set out separately together with a statement showing each emergency and the amount of warrants issued therefor.

If a city rejects bids on a capital outlay project and proceeds to construct same by force account, it may transfer from the budget classification capital outlay to the classification salary and wages such funds as are necessary to pay salaries and wages in completing the project.

35.33.050 Budget—Preliminary. On or before the first Tuesday in September of each year the clerk shall submit to the commission in cities having a commission form of government and to the mayor in all other cities the city's proposed preliminary budget which shall set forth the complete financial program of the city for the ensuing 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, division, service, or institution for the ensuing 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 to be raised by taxation.

The expenditure section shall set forth in comparative and tabular form by offices, departments, division, services, and institutions the estimated expenditures for the ensuing fiscal year, the appropriations for the current fiscal year and the actual expenditures for the last completed fiscal year.

The commission or mayor, as the case may be, shall consider the proposed preliminary budget in detail and after making any revisions or additions deemed advisable shall file it with the city clerk. The commission or the mayor, as the case may be, shall provide a sufficient number of copies of such preliminary budget to meet the reasonable demands of taxpayers therefor and have them available for distribution not later than two weeks before the first Monday in October.

35.33.060 Budget—Notice of hearing on final. Immediately following the adoption of the preliminary budget the city commission in cities having the commission form of government and the mayor in all other cities 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 commission in cities having the commission form of government or the city council in all other cities will meet on the first Monday in October thereafter for the purpose

of fixing the final budget and making the tax levies, designating the time and place of the meeting and that any taxpayer may appear thereat and be heard for or against any part of the budget. The publication shall be made in the official newspaper of the city if there is one, otherwise in a newspaper of general circulation in the city.

35.33.070 Budget—Final—Hearing—Adoption. On the first Monday in October in each year, the city commission or city council shall meet for the purpose of fixing the final budget and making the tax levies at the time and place designated in the notice thereof. Any taxpayer may appear and be heard for or against any part of the budget. The hearing may be continued from day to day but not to exceed a total of five days. The officials in charge of the several offices, departments, divisions, services, and institutions shall be present at the time the estimates for their respective offices, departments, divisions, services, or institutions are under consideration and may be questioned by the commission, council or mayor or by any taxpayer present concerning such estimates.

Upon the conclusion of the hearing the city commission or council shall determine each item of the budget separately and shall by ordinance adopt the budget, setting out in separate totals the appropriation total for each of the five general classes. It shall then by ordinance fix the amount necessary to be levied to raise the total estimated expenditures less the total of the estimated revenues (including available surplus) from sources other than taxation, and such expenditures as are to be met from future bond or warrant issues, and certify the resulting remainder to the county commissioners as the amount to be raised by taxation. This amount shall not exceed the amount necessary to be raised by taxation as specified in the preliminary budget.

A copy of the budget as adopted shall be transmitted to the division of municipal corporations in the office of the state auditor.

35.33.080 Emergency expenditures—Nondebatable emergencies. Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or public health, or for the restoration to a condition of usefulness of any public property, the usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by calamity, or in settlement of approved claims for personal injuries or property damage (exclusive of claims arising from the operation of any public utility owned by the city), or to meet mandatory expenditures required by laws enacted since the last annual budget was adopted, or to

cover expenses incident to making necessary arrangements for the establishment of a new form of government between the date on which the change in form of government has been approved by the electorate of the city and the date on which it is to become effective, including the expenses incident to arranging for the initial selection of a city manager when the form of government has been changed to the council-manager plan, the city commission or council upon the adoption by the vote of one more than the majority of all members of the legislative body of the city of an ordinance stating the facts constituting the emergency and the estimated amount required to meet it, may make the expenditures therefor without notice or hearing.

35.33.090 Emergency expenditures—Other emergencies—Hearing. If a public emergency which could not reasonably have been foreseen at the time of the making of the estimates for the annual budget requires the expenditure of money not provided for in the annual budget, and if it is not one of the emergencies specifically enumerated in RCW 35.33.080 the city commission or council before making any expenditure therefor shall adopt an ordinance stating the facts constituting the emergency and the estimated amount required to meet it and declaring that an emergency exists.

Such ordinance shall not be voted on until one week has elapsed after its introduction, and for passage shall require the vote of one more than the majority of all members of the legislative body of the city, and in cities not having the commission form of government must also be approved by the mayor.

Any taxpayer may appear at the meeting at which the emergency ordinance is to be voted on and be heard for or against the adoption thereof. Any city which publishes a weekly bulletin or official gazette shall publish a copy of the proposed ordinance therein together with a notice of the time set thereon before the day set for the vote.

35.33.100 Emergency warrants. All emergency expenditures shall be paid from any available funds or by the issuance of emergency warrants. If emergency warrants are issued, they shall be paid from any moneys on hand in the city treasury in the fund properly chargeable with such expenditures.

If at any time there is insufficient money on hand in the fund with which to pay any emergency warrant, the warrant shall be registered, bear interest and be called in the same manner as other city warrants.

If such emergency expenditures are not paid from available funds during the year in which they were appropriated, the clerk shall include in the annual budget to be submitted to the city

commission or mayor the total amount of emergency warrants issued during the preceding fiscal year; and at the time the final budget is adopted the city commission or council shall include in its tax levies a levy sufficient to reimburse the fund or funds out of which the emergency warrants were paid or shall budget an item from any revenue source available, for the fund or funds: *Provided*, That any or all of such warrants may be funded into bonds in any manner authorized by law if deemed advisable.

35.33.105 Adjustment of wages, etc., of electrical workers permissible, budget notwithstanding. Notwithstanding any final yearly budget adopted, the city commission or council of any city of the second or third class owning an electrical generating and/or distributing system may, not more than once in each budget year, by ordinance adopted by the majority vote of all the members present, place in effect any adjustment or change in wages, hours and conditions of employment of its electrical generating and/or distributing system employees: *Provided*, That no change shall be made which would result in an excess of expenditures over revenues. Any increase in expenditures resulting from any such adjustment shall be paid for the remainder of the budget year exclusively from revenues of the system.

35.33.110 Forms—Accounting—Supervision by state. The division of municipal corporations in the office of the state auditor is empowered to make and install the forms and classifications required by this chapter, to define what expenditures are chargeable to each budget class and to establish the accounting and cost systems necessary to secure accurate budget information.

35.33.120 Funds—Limitations on expenditures—Transfers. The expenditures as classified and itemized in the final budget shall constitute the city's appropriations for the ensuing fiscal year. Every officer and employee of the city shall be limited in the making of expenditures and incurring of liabilities to the amounts of the detailed appropriation items or classes, or to any amounts of appropriations which may be lawfully carried forward from prior fiscal years pursuant to RCW 35.33.150. Nothing herein shall prevent the proper officers or employees of the city from making expenditures of moneys received from the sale of general obligation or revenue bonds for the purposes for which they were issued pursuant to state law, irrespective of whether or not an item therefor has been included in the city's annual budget. Transfers between the general classes and expenditures from funds received in excess of estimated revenues shall be permitted when authorized by a resolution duly adopted by the majority vote of all members of the legislative body of any city: *Provided*, That the legislative

body shall at all times have the power by ordinance with the vote of one more than the majority of all members thereof, to revoke, recall, or decrease the whole or any part of any unexpended item as above provided, and shall further in said ordinance find that it is to the best interest of the municipality that such revocation, recall, or decrease of any unexpended item listed in the budget appropriation be made. Transfers between items within any class in the budget may be made by the city's chief administrative or finance officer, subject to such regulations as may be imposed by the legislative body thereof, but no salary shall be increased above the amount provided therefor in the budget except as otherwise provided in RCW 35.33.105. Notwithstanding the provisions of any statute to the contrary, the budgetary transfers herein authorized may be made as between any offices, departments, divisions, services, institutions, etc., or any combination thereof with a city's organizational structure which operate from the appropriations of the same fund.

Liabilities incurred by any officer or employee of the city in excess of any budget appropriation shall not be a liability of the city. The clerk shall issue no warrant and the city commission, council or mayor shall approve no claim for an expenditure in excess of any individual budget appropriation except upon an order of a court of competent jurisdiction or for emergencies as provided in this chapter.

35.33.130 Funds received from sales of bonds and warrants—Expenditure. Moneys received from the sale of bonds or warrants shall be used for no other purpose than that for which they were issued and no expenditure shall be made for that purpose until the bonds have been duly authorized. If any surplus remains from the proceeds realized from the bonds or warrants after the accomplishment of the purpose for which they were issued it shall be used for the redemption of the city debt. Where a budget contains an expenditure program to be financed from a bond issue to be authorized thereafter no such expenditure shall be made or incurred until after the bonds have been duly authorized.

35.33.140 Funds—Monthly report of status. On or before the twenty-fifth day of each month the clerk shall submit to the city commission or council and mayor a report showing the expenditures and liabilities against each separate budget appropriation incurred during the preceding calendar month and like information for the whole of the current fiscal year to the first day of the current month together with the unexpended balance of each appropriation. He shall also set forth the receipts from taxes and from sources other than taxation for the same periods.

35.33.150 Unexpended appropriations. All appropriations in current operating funds shall lapse at the end of each fiscal year, however, this shall not prevent payments in the following year upon uncompleted improvements in progress or unfilled orders, for the purchase of material, equipment and supplies, which have been properly budgeted and contracted for prior to the close of such fiscal year.

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

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

35.33.160 Violations and penalties. Every person who violates any of the provisions of this chapter shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Chapter 35.36

EXECUTION OF BONDS BY PROXY—FIRST CLASS CITIES

35.36.010 Appointment of proxies. The mayor, city comptroller and city clerk of every city of the first class may each severally designate one or more bonded persons to affix his signature to any bond or bonds requiring his signature.

If the signature of one of these officers is affixed to a bond during his continuance in office by a proxy designated by him whose authority has not been revoked, the bond shall be as binding upon the city and all concerned as though the officer had signed the bond in person.

This chapter shall apply to all bonds, whether they constitute obligations of the city as a whole or of any local improvement or other district or subdivision thereof, whether they call for payment from the general funds of the city or from a local, special or other fund, and whether negotiable or otherwise.

35.36.020 Coupons—Printing facsimile signatures. A facsimile reproduction of the signature of the mayor, city comptroller, or city clerk in every city of the first class may be printed, engraved,

or lithographed upon bond coupons with the same effect as though the particular officer had signed the coupon in person.

35.36.030 Deputies—Exemptions. Nothing in this chapter shall be construed as requiring the appointment of deputy comptrollers or deputy city clerks in first class cities to be made in accordance herewith so far as concerns signatures or other doings which may be lawfully made or done by such deputy under the provisions of any other law.

35.36.040 Designation of bonds to be signed. The officer whose duty it is to cause any bonds to be printed, engraved, or lithographed, shall specify in a written order or requisition to the printer, engraver, or lithographer the number of bonds to be printed, engraved, or lithographed and the manner of numbering them.

Every printer, engraver, or lithographer who prints, engraves, or lithographs a greater number of bonds than that specified or who prints, engraves, or lithographs more than one bond bearing the same number shall be guilty of a felony.

35.36.050 Liability of officer. A mayor, comptroller, or clerk authorizing the affixing of his signature to a bond by a proxy shall be subject to the same liability personally and on his bond for any signature so affixed and to the same extent as if he had affixed his signature in person.

35.36.060 Notice to council. In order to designate a proxy to affix his signature to bonds, a mayor, comptroller, or clerk shall address a written notice to the governing body of the city giving the name of the person whom he has selected therefor and stating generally or specifically what bonds are to be so signed.

Attached to or included in the notice shall be a written signature of the officer making the designation executed by the proposed proxy followed by the word "by" and his own signature; or, if the notice so states, the specimen signatures may consist of a facsimile reproduction of the officer's signature impressed by some mechanical process followed by the word "by" and the proxy's own signature.

If the authority is intended to include the signature upon bonds bearing an earlier date than the effective date of the notice, the prior dated bonds must be specifically described by reasonable reference thereto.

The notice designating a proxy shall be filed with the city comptroller or city clerk, together with the specimen signatures attached thereto and a record of the filing shall be made in the journal of the governing body. This record shall note the date and hour of filing and may be made by the official who keeps the journal at

any time after filing of the notice, even during a period of recess or adjournment of the governing body. The notice shall be effective from the time of its recording.

35.36.070 Revocation of proxy. Any designation of a proxy may be revoked by written notice addressed to the governing body of the city signed by the officer who made the designation and filed and recorded in the same manner as the notice of designation. It shall be effective from the time of its recording but shall not affect the validity of any signature theretofore made.

Chapter 35.37

FISCAL—CITIES UNDER 20,000 AND CITIES OTHER THAN FIRST CLASS—BONDS

35.37.010 Accounting—Funds. Every city and town having less than twenty thousand inhabitants shall maintain a current expense fund out of which it must pay current expenses. It shall also maintain an "indebtedness fund," and if it has outstanding general indebtedness bonds, it must maintain a sinking fund therefor. If it maintains waterworks, lighting plant, cemetery, or other public works or institutions from which rent or other revenue is derived it must maintain a separate fund for each utility or institution. All moneys collected by such cities and towns from licenses shall be credited to the current expense fund.

35.37.020 Accounting—Surplus and deficit in utility accounts. Any deficit for operation and maintenance of utilities and institutions owned and controlled by cities and towns having less than twenty thousand inhabitants, over and above the revenue therefrom, shall be paid out of the current expense fund. Any surplus in the waterworks fund, lighting fund, cemetery fund, or other like funds at the end of the fiscal year shall be paid into the current expense fund except such part as the council by a finding entered into the record of the proceedings may conclude to be necessary for the purpose of:

(1) Extending or repairing the particular utility or institution;
or

(2) Paying interest or principal of any indebtedness incurred in the construction or purchase of the particular utility or institution; or

(3) Creating or adding to a sinking fund for the payment of any indebtedness incurred in the construction or purchase of the particular utility or institution.

35.37.025 Funds of annexed portions to be kept distinct. In all cases where the limits of a city or town have been extended, the city or town officers shall arrange and maintain the accounts and funds of the city or town in such a manner that the interests of the inhabitants and taxpayers of the several districts of the municipality in the various funds and property thereof shall be clearly shown and in all transactions these different interests shall be considered and protected.

35.37.027 Validation of preexisting obligations by former city. All elections for the validation of any debt created by any city or town which has since become consolidated with any other city or town shall be by ballot, and the vote shall be taken in the new consolidated city as constituted at the time of the election.

35.37.030 Applicability of chapter. The provisions of the remainder of this chapter shall not be applied to cities of the first class nor to borrowing money and issuing bonds by any city or town for the purpose of supplying it with water, artificial light, or sewers if the works for supplying the water, artificial light, or sewers are to be owned and controlled by the city or town.

35.37.040 Authority to contract debts—Limits. Every city and town, may, without a vote of the people, contract indebtedness or borrow money for strictly municipal purposes on the credit of the city or town and issue negotiable bonds therefor in an amount which when added to its existing indebtedness will not exceed the amount of indebtedness authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without the assent of the voters.

When bonds are issued under this section the ordinance providing therefor shall contain a statement showing the assessed valuation of the taxable property in the city or town as ascertained by the last preceding assessment for city or town purposes, together with the amount of the existing indebtedness of the city or town, which indebtedness shall include the amount for which such bonds are issued. Passage of such ordinance shall require the votes of at least four councilmen.

35.37.050 Excess indebtedness—Authority to contract. Every city and town may, with a vote of the people, contract indebtedness or borrow money for strictly municipal purposes on the credit of the city or town and issue negotiable bonds therefor in an amount which when added to its existing indebtedness will exceed the amount of indebtedness authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without the assent of the voters but will not exceed the amount of indebtedness authorized by chapter

39.36 RCW, as now or hereafter amended, to be incurred with the assent of the voters. The amount of the indebtedness desired to be created or the amount of the money desired to be borrowed shall be stated in an ordinance passed by the council and referred to the voters of the city or town for their ratification or rejection at a special election of which fifteen days notice shall be given in the newspaper which is doing the city or town printing by publication in every issue of that paper during that period.

35.37.060 Excess indebtedness—Election to authorize. The election required to ratify or reject an ordinance authorizing the incurring of indebtedness or the borrowing of money on the credit of city or town shall be conducted consistent with the general election laws of the state.

If the question is that of creating an indebtedness other than that of borrowing money, the ballots shall contain in substance:

“Shall the city (or town) of _____ for (here state purpose) incur an indebtedness of \$ _____?”

YES
NO

If the question is that of borrowing money and issuing negotiable bonds therefor, the ballots shall contain in substance:

“Shall the city (or town) of _____ for municipal purposes borrow \$ _____ and issue its negotiable bonds therefor?”

YES
NO

The elector shall prepare his ballot by placing a cross (X) in the square opposite the word “Yes” or in the square opposite the word “No.”

The polls shall open and close at the hours fixed by statute for general state, county or municipal elections, any provisions in the city charter to the contrary notwithstanding.

35.37.070 General indebtedness bonds—Issuance. If three-fifths of the ballots cast upon the question favor it, the council must incur the indebtedness or borrow the money and issue the bonds authorized by the election. No portion of the money so authorized to be borrowed shall ever be used for other than strictly municipal purposes.

35.37.080 General indebtedness bonds — Form — Terms—Signatures. All general indebtedness bonds whether or not their issuance is required to be authorized by a vote of the people shall be issued in denominations of not less than one hundred dollars nor more than one thousand dollars; shall be numbered from one up, consecu-

tively; shall bear the date of their issue; shall be payable not more than twenty years from date, and shall bear interest not exceeding six percent per annum, payable semiannually, with interest coupons attached and payable both as to principal and interest at such place as may be designated in the bonds.

35.37.090 General indebtedness bonds—Preparation and printing. All general indebtedness bonds and coupons shall be printed, engraved, or lithographed on good bond paper, signed by the mayor and attested by the clerk under the seal of the city or town.

35.37.100 General indebtedness bonds—Sale—Registration. General indebtedness bonds shall be sold in the manner the city or town authorities deem for the best interest of the city or town. The city or town treasurer shall keep a register of all bonds showing the number, date, amount, interest, name of payee, and when and where payable of every bond executed, issued and sold under this chapter.

35.37.110 General indebtedness bonds—Taxation to pay. So long as any general indebtedness bonds are outstanding an amount sufficient to pay the interest upon them as it accrues shall be included in each annual levy for municipal purposes and a sufficient amount shall be included in each annual levy for payment of principal so that all bonds may be paid serially as they mature.

35.37.120 General indebtedness bonds—Taxation—Failure to levy—Remedy. If the council of any city or town which has issued general indebtedness bonds fails to make any levy necessary to pay the bonds and interest coupons at maturity, the owner of any bond or coupon which has been presented to the treasurer and payment thereof refused because of the failure to make a levy may file the bond together with all unpaid coupons with the county auditor, taking his receipt therefor.

The county auditor shall register bonds so filed in like manner and form as they were originally registered by the city or town treasurer of the city or town which issued them and the county commissioners at their next session at which they levy the annual county tax shall add to the city's or town's levy a sum sufficient to realize the amount of principal and interest past due and to become due prior to the next annual levy to be collected and held by the county treasurer and paid out only upon warrants drawn by the county auditor as the payments mature in favor of the owner of the bond as shown by the auditor's register. Similar levies shall be made in each succeeding year until the bonds and coupons are fully satisfied.

This remedy is alternative and in addition to any other remedy which the owner of such a bond or coupon may have.

Chapter 35.28**FISCAL—DEPOSITARIES**

35.38.010 Cities of 75,000 or more inhabitants—Designation of depositaries. 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 as depositary or depositaries of 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.

35.38.020 Same—Contract as to interest—Surety bond or collateral. Before any such designation shall become effectual and 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 comptroller, file with the city comptroller a contract with the city wherein the bank agrees to pay such rate of interest on the cash daily balance of all municipal funds kept by such treasurer in said bank, while acting as such depositary, as shall be fixed from time to time by the city finance committee; such payments to be made monthly to the city while said deposit continues in such depositary. The contract shall run to the city and be in such form as shall be approved by the mayor or corporation counsel.

Such bank shall also file with the comptroller of such city a surety bond or bonds to the city in the amount of the deposits of such city that may be carried in the designated bank, conditioned for the prompt payment thereof on checks duly drawn by the said treasurer; or in lieu thereof shall deposit with the comptroller any of the following enumerated securities, if there has been no default in the payment of principal or interest thereon, the aggregate market value of which shall at all times be not less than one hundred and ten percent of the amount of the funds deposited by said treasurer:

(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 obligation of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States;

(2) Direct and general obligation bonds and warrants of the state of Washington, or of any other state of the United States;

(3) Direct and general obligation bonds and warrants of any city, town, county, school district, port district or other political subdivision in the state of Washington, 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 RCW 54.16.070 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 said comptroller need not accept for deposit any collateral described in this subdivision if in his judgment it is not desirable so to do.

Such surety bonds or securities shall be in such form as shall be approved by the corporation counsel of the city and the sufficiency of such surety bonds or such securities shall be approved by the mayor and comptroller of the city. When such bonds have been duly approved and filed with the comptroller, he shall immediately certify to the city treasurer the amount of bonds or securities filed by such bank or banks, whereupon the city treasurer shall be authorized to make deposits in such bank.

In the event repayment of deposits in any such depository is insured by the Federal Deposit Insurance Corporation, or by any other corporation, agency or instrumentality organized and acting under and pursuant to the laws of the United States of America, the execution and filing of a bond with such treasurer shall be required only for so much of the designated maximum amount of deposits as such designated maximum amount exceeds the amount of such insurance, and if such depository elects to deposit securities only to the amount necessary to secure the excess of the moneys on deposit with it over the amount covered by such insurance.

35.38.030 Cities and towns of less than 75,000 inhabitants—Designation of depositories. 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 as depository or depositories of 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.

35.38.040 Same—Bond or collateral—Contract as to interest. 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, file with the city or town clerk a surety bond to the city or town in the maximum amount of deposits designated by the treasurer to be

carried in the designated bank, conditioned for the prompt payment thereof on checks duly drawn by the treasurer, which surety bond shall be approved by the mayor and city or town clerk.

In lieu of a surety bond the bank or banks shall deposit with the city or town treasurer any of the following enumerated securities if there has been no default in the payment of principal or interest thereon, the aggregate market value of which shall at all times be not less than one hundred and ten percent of the amount of funds deposited by the treasurer:

(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 obligation of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States;

(2) Direct and general obligation bonds and warrants of the state of Washington;

(3) Direct and general obligation bonds and warrants of any city, town, county, school district, port district or other political subdivision in the state of Washington, 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 RCW 54.16.070 as now or hereafter amended: *Provided*, That any surety bond or securities offered to qualify a bank as depository for the funds of any city or town shall not be considered sufficient unless the same are approved by the mayor and city or town clerk.

Such bank or banks shall also at the same time file with the city or town clerk a contract with the city or town wherein the bank agrees to pay such rate of interest on the average daily balances, where such balances exceed one thousand dollars, of all municipal funds kept by the treasurer in the bank while acting as such depository as shall be fixed from time to time by the city finance committee; such payments to be made monthly to the city or town while said deposits continue in such depository. The contract shall run to the city or town and be in such form as shall be approved by the treasurer, mayor and city or town attorney.

In the event repayment of deposits in any such depository is insured by the Federal Deposit Insurance Corporation, or by any other corporation, agency or instrumentality organized and acting under and pursuant to the laws of the United States, the execution and filing of a bond with the city or town treasurer shall be required only for so much of the designated maximum amount of deposits as such designated maximum amount exceeds the amount of such insurance, and if the depository elects to deposit securities in lieu of a bond, it shall be required to deposit securities only to

the amount necessary to secure the excess of the moneys on deposit with it over the amount covered by such insurance.

35.38.050 Treasurer's official bond not affected. The foregoing provisions of this chapter shall in no way affect the duty of a city or town treasurer to give bond to the city or town for the faithful performance of his duties in such amount as may be fixed by the city or town council or other governing body by ordinance.

35.38.055 City official as officer, employee or stockholder of depository. Whenever a bank is designated by the treasurer or governing body of a city or town in accordance with the provisions of this chapter, as a depository for funds to be kept by the treasurer of such city or town and such bank has filed and had approved a contract with such city or town and deposited a surety bond or bonds or securities as provided in this chapter, such contract shall not be invalid by reason of any official of the city being also an officer, employee, or stockholder of such bank.

35.38.060 "Bank" includes trust company. The word bank as used in the foregoing provisions of this chapter includes any trust company organized under the laws of this state and engaged in the banking business.

35.38.070 Trustee for safekeeping of securities. A depository for city or town funds having negotiable securities pledged by it to secure such funds, may by written notice require the city or town through its treasurer to designate a trust company or a bank exercising trust powers located within the state to act as trustee for the safekeeping of the securities so pledged; or it may elect, by giving written notice to the city or town treasurer, to designate a trust company or bank exercising trust powers located without the state which has a combined actual paid-up capital and surplus of not less than one million dollars to act as such trustee. In either case the identity of the trustee, the terms of the agreement between the trustee and the depository, and the character of the securities pledged shall all be subject to the approval of the mayor and controller or clerk.

35.38.080 Procedure upon insolvency of depository. In the event of the insolvency or closing of a depository bank, the trustee holding its securities pledged to secure a city's or town's funds shall deliver them upon demand to the treasurer of the city or town to which they are pledged. Prior to any default of the depository, the trustee shall, as the same mature and become payable, clip from all coupon bonds deposited with it, the interest coupons thereof and deliver them on demand to the depository.

35.38.090 Bank as trustee of its own pledged securities. No bank or trust company shall act as trustee for the keeping of its own securities pledged by it as a depository of public funds: *Provided*, That this shall not prohibit the city or town treasurer from keeping under his sole control in a safe deposit box in the vault of a bank or trust company securities pledged by such bank or trust company as a depository of public funds.

35.38.100 Compensation of trustee. The charges or compensation of a trustee for keeping securities pledged to a city or town by a depository shall be a charge against and shall be paid by the depository and shall not be charged to the city or town to which they are pledged, nor its treasurer, nor shall they be a lien upon the securities in its custody.

35.38.110 Trustee's receipt. A receipt for the securities pledged by a depository of city or town funds describing the securities held and the purpose, terms and conditions of such holding shall be issued by the trustee in duplicate, one of which shall be delivered to the treasurer of the city or town to which they are pledged and one to the depository by whom they are pledged. The receipt shall be prima facie evidence of the facts therein stated and accepted as such by all public officers.

Chapter 35.39

FISCAL—FINANCE COMMITTEE—INVESTMENT OF FUNDS

35.39.010 City finance committee—Cities over 75,000. In cities having a population of seventy-five thousand or more inhabitants the president of the city council (the mayor in cities having the commission form of government) the city treasurer, and the city comptroller (or controller or auditor) ex officio, shall constitute the city finance committee. The city treasurer shall act as chairman of the committee and the city comptroller as secretary thereof, and the office of the committee shall be in the office of the city comptroller.

The committee shall keep a complete record of its proceedings in appropriate books of record. All records and all correspondence relating to the committee shall be kept in the office of the city comptroller and shall be open to public inspection. The committee shall make appropriate rules and regulations not inconsistent with law.

35.39.020 City finance committee—Cities and towns under 75,000. In cities and towns having a population of less than seventy-five thousand inhabitants the mayor, the city or town treasurer and one member of the city or town council or commission shall

constitute the city finance committee. The council or commission member shall be appointed by the council or commission and shall remain a member of the city finance committee at the pleasure of the council or commission. The mayor shall act as chairman of the committee and the city or town treasurer as secretary thereof and the office of the committee shall be in the office of the city or town treasurer.

The committee shall keep a complete record of its proceedings in appropriate books of record. All records and all correspondence relating to the committee shall be kept in the office of the treasurer and shall be open to public inspection. The committee shall make appropriate rules and regulations not inconsistent with law.

35.39.030 Excess and inactive funds—Investment. Every city and town may invest any portion of the moneys in its inactive funds or in other funds in excess of current needs in:

- (1) United States bonds;
- (2) United States certificates of indebtedness;
- (3) Bonds or warrants of this state;
- (4) General obligation or utility revenue bonds or warrants of its own or of any other city or town in the state;
- (5) Its own bonds or warrants of a local improvement or condemnation award district which is within the protection of the local improvement guaranty fund law.

No investment shall be made without the approval of the city finance committee and of the legislative authority of the city or town expressed by resolution.

Any of such securities may be converted into cash at any time upon like approval.

35.39.040 Investment of pension funds. Any city or town now or hereafter operating an employees' pension system, established and operated pursuant to state statute or charter provision, or any pension system operating now or hereafter under state statute or charter provision exclusively for employees of cities or towns, is hereby authorized to invest pension fund moneys in such securities of the United States, states, Dominion of Canada, public housing authorities, municipal corporations and other public bodies, as are designated by the laws of the state of Washington as lawful investments for the funds of mutual savings banks, and to invest not to exceed twenty-five percent of the system's total investments in the securities of any corporations or public utility bodies as are designated by the laws of this state as lawful investments for the funds of mutual savings banks: *Provided*, That not more than five percent of the system's total investments may be made in the securities of any one of such corporations or public utility bodies.

Subject to the limitations hereinafter contained, investment of pension funds may also be made in amounts not to exceed ten percent of the system's total investments in the shares of certain open-end investment companies: *Provided*, That not more than two percent of the system's total investments may be made in the shares of any one such open-end investment company. The total amount invested in any one company shall not exceed two percent of the assets of such company, and shall only be made in the shares of such companies as are registered as open-end companies under the federal investment company act of 1940, as from time to time amended. The company must be at least ten years old and have net assets of at least five million dollars. It must have outstanding no bonds, debentures, notes, or other evidences of indebtedness, or any stock having priority over the shares being purchased, either as to distribution of assets or payment of dividends. It must have paid dividends from investment income in each of the ten years next preceding purchase. The maximum selling commission on its shares, furthermore, may not exceed seven and one-half percent of the sum of the asset value plus such commission.

Investment of pension funds may also be made in the bonds of any municipal corporation or other public body of the state of Washington, and in any of the bonds or warrants, including local improvement bonds or warrants within the protection of the local improvement guaranty fund law issued by the city or town operating such pension system, or by any city or town which is a member of the system. Investment of pension funds shall be made by the pension board, board of trustees or other board charged with administering the affairs of the pension system.

35.39.050 Construction. RCW 35.39.030 and 35.39.040 shall be deemed cumulative and not exclusive and shall be additional to any other power or authority granted any city or town.

Chapter 35.40

FISCAL—VALIDATION AND FUNDING OF DEBTS

35.40.010 Ratification and funding at same election. At any election which may be held in any city or town in this state in accordance with the Constitution and laws thereof, for the purpose of voting upon the question of ratifying any indebtedness of such city or town, theretofore attempted to be incurred by such city or town, such city or town may submit to the voters thereof any proposition to fund such indebtedness so sought to be ratified, or any existing indebtedness of such city or town, or both. The proposition to ratify such indebtedness and the proposition to fund the same may be

submitted to the voters in such city or town by the corporate authorities thereof in the same or in separate ordinances, as may be required or permitted by law; but the proposition to fund shall be the subject of a distinct vote in favor of or against the same, separate from the vote upon the proposition to ratify, and separate from the vote upon a proposition to fund any part of such indebtedness as to which a proposition to ratify is not submitted.

35.40.020 Effect of vote to fund validated indebtedness. If at such election any such indebtedness so proposed to be ratified is validated in accordance with the requirements of the Constitution and statutes of this state, any vote cast at such election in accordance with the requirements of RCW 35.40.010, upon a proposition to fund such indebtedness so validated, by the issuing of bonds therefor, shall have the same effect as an assent to or dissent from the funding of such indebtedness, as if such indebtedness had been validated previously to the passage of the ordinance submitting such proposition to fund the same.

35.40.030 Ratification and funding after consolidation or annexation. If, in any case where any city or town in this state has been or may hereafter be formed by the consolidation of two or more cities or towns, or has annexed or may hereafter annex any new territory, an election shall be held, in accordance with the Constitution and laws of this state, for the purpose of submitting to the voters residing within the former corporate limits of either such former city or town, or of such city or town prior to such annexation, for ratification or disapproval, the attempted incurring on the part of such former city or town or of such city or town prior to such annexation by the corporate authorities thereof, of any indebtedness thereof, such consolidated or existing city or town may submit to all of the voters therein, at the same or a separate election, any proposition to fund such indebtedness so sought to be ratified or any part thereof or any existing indebtedness of such consolidated or existing city or town, or both. The proposition to ratify any such indebtedness so previously attempted to be incurred on the part of either such former city or town, or on the part of such city or town prior to such annexation, and the proposition to fund the same may be submitted, respectively, to the voters residing within the corporate limits of such former city or town or in such city or town prior to such annexation, and to all the voters in such consolidated city or town, respectively, in the same or in separate ordinances, as may be required or permitted by law; but the proposition to fund shall be the subject of a distinct vote in favor of or against the same, separate from the vote upon the proposition to

ratify, and separate from the vote upon a proposition to fund any part of such indebtedness as to which a proposition to ratify is not submitted.

35.40.040 ————Effect of vote to fund validated indebtedness.

If at any such election any such indebtedness so proposed to be ratified shall be validated in accordance with the requirements of the Constitution and laws of this state, any vote cast at the same or a separate election in accordance with the requirements of RCW 35.40.030, upon a proposition to fund such indebtedness so validated, by the issuing of bonds therefor, shall have the same effect as an assent to or dissent from the funding of such indebtedness, as if such indebtedness had been validated previously to the passage of the ordinance submitting such proposition to fund the same.

35.40.050 ————Conduct of election. Any alteration or division of any existing election precinct or precincts in such consolidated or existing city or town, and any segregation of the names of voters registered for the current year in the existing registration lists in such consolidated or existing city or town, and any new poll books of registration, and any further registration in such new poll books, which may be made for the purposes of any such election held to submit a question of ratification, as aforesaid, in accordance with any law authorizing such election to submit such question of ratification, shall so far as applicable govern the holding of the election herein authorized to submit a proposition or propositions to fund. The city council or other legislative body of such consolidated or existing city or town shall, in the ordinance providing for the election herein authorized, or in a separate ordinance or ordinances, appoint inspectors and judges of such election for the several precincts in said city or town, and prescribe the form of the ballot to be used at such election, and the mode of the voter's indicating thereon his vote for or against each proposition submitted. Said provisions shall be made in conformity with the existing registration and election laws of the state as nearly as may be, but the provisions hereof shall prevail over existing laws so far as may be necessary to effectuate the purposes of RCW 35.40.030 through 35.40.050; and the election herein authorized shall be conducted and the result thereof canvassed and declared in accordance with the general laws of the state as modified hereby and in accordance with said provisions to be made in pursuance hereof.

Chapter 35.41**FISCAL—MUNICIPAL REVENUE BOND ACT**

35.41.010 Special funds—Authorized—Composition. The legislative body of any city or town, for the purpose of providing funds for defraying all or a portion of the costs of planning, purchase, leasing, condemnation, or other acquisition, construction, reconstruction, development, improvement, extension, repair, maintenance, or operation of any municipally owned public land, building, facility, or utility, for which the municipality now has or hereafter is granted authority to acquire, condemn, develop, repair, maintain, or operate, for which the city receives revenue or for which such municipality charges a fee, may authorize, by ordinance, the creation of a special fund or funds into which the city or town shall be obligated to set aside and pay:

- (1) A fixed proportion of the gross revenues of the facility or utility, or
- (2) A fixed amount out of, and not to exceed, a fixed proportion of the gross revenues thereof, or
- (3) A fixed amount without regard to any fixed proportion of such revenues, or
- (4) An amount sufficient to meet principal and interest requirements and to accumulate any reserves and additional funds that may be required.

35.41.030 Revenue bonds authorized—Form, term, etc. If the legislative body of a city or town deems it advisable to purchase, lease, condemn, or otherwise acquire, construct, develop, improve, extend, or operate any land, building, facility, or utility, and adopts an ordinance authorizing such purchase, lease, condemnation, acquisition, construction, development, improvement and to provide funds for defraying all or a portion of the cost thereof from the proceeds of the sale of revenue bonds, and such ordinance has been ratified by the voters of the city or town in those instances where the original acquisition, construction, or development of such facility or utility is required to be ratified by the voters, such city or town may issue revenue bonds against the special fund or funds created solely from revenues. The revenue bonds so issued shall:

- (1) Be registered or coupon bonds;
- (2) Be issued in denominations of not less than one hundred dollars nor more than one thousand dollars;
- (3) Be numbered from one upwards consecutively;
- (4) Bear the date of their issue;
- (5) Be serial or term bonds and the final maturity thereof shall

not extend beyond the reasonable life expectancy of the facility or utility;

(6) Bear interest not exceeding the rate of six percent per annum, payable annually or semiannually with interest coupons attached unless such bonds are registered as to interest, in which case no interest coupons need be attached;

(7) Be payable as to principal and interest at such place as may be designated therein;

(8) State upon their face that they are payable from a special fund, naming it, and the ordinance creating it, and that they do not constitute a general indebtedness of the city or town;

(9) Be signed by the mayor and bear the seal of the city or town and be attested by the clerk: *Provided*, That the facsimile signatures of the mayor and clerk may be used when the ordinance authorizing the issuance of such bonds provides for the signatures thereof by an authenticating officer; and

(10) Be printed upon good bond paper.

35.41.040 Coupons. The signatures of the mayor and clerk may be printed upon the coupons or may be lithographic facsimiles of their signatures. The coupons need not bear the seal of the city or town.

35.41.050 Revenue warrants. Revenue warrants may be issued and such warrants and interest thereon may be payable out of the special fund or refunded through the proceeds of the sale of revenue bonds. Every revenue warrant and the interest thereon issued against the special fund shall be a valid claim of the holder thereof only as against that fund and the amount of revenue pledged to the fund, and shall not constitute an indebtedness of the city or town. Every revenue warrant shall state on its face that it is payable from a special fund, naming it and the ordinance creating it.

35.41.060 Sale of revenue bonds and warrants—Contract provisions. Revenue bonds and warrants may be sold by negotiation or by public or private sale in any manner and for any price the legislative body of any city or town deems to be for the best interest of the city or town. Such legislative body may provide in any contract, for the construction or acquisition of the proposed facility or utility or the maintenance and operation thereof, and that payment therefor shall be made only in revenue bonds and/or warrants at their par value.

35.41.070 Suit to compel city to pay amount into special fund. If a city or town fails to set aside and pay into the special fund created for the payment of revenue bonds and warrants the amount which it has obligated itself in the ordinance creating the fund to

set aside and pay therein, the holder of any bond or warrant issued against the bond may bring suit against the city or town to compel it to do so.

35.41.080 Rates and charges for services, use or benefits. The legislative body of any city or town may provide by ordinance for revenues by fixing rates and charges for the furnishing of service, use, or benefits to those to whom service, use, or benefits from such facility or utility is available, which rates and charges shall be uniform for the same class of service. And, if revenue bonds or warrants are issued against the revenues thereof, the legislative body of the city or town shall fix charges at rates which will be sufficient to provide for the payment of bonds and warrants, principal and interest, sinking fund requirements and expenses incidental to the issuance of such revenue bonds or warrants; in fixing such charges the legislative body of the city or town may establish rates sufficient to pay, in addition, the costs of operating and maintaining such facility or utility.

35.41.090 ————Costs, expenses, interest may be included. In setting the rates to be charged for the service, use, or benefits derived from such facility or utility, or in determining the cost of the planning, acquisition, construction, reconstruction, development, improvement, extension, repair, maintenance, or operation thereof the legislative body of the city or town may include all costs and estimated costs of the issuance of said bonds, all engineering, inspection, fiscal and legal expense and interest which it is estimated will accrue during the construction period and for six months thereafter on money borrowed, or which it is estimated will be borrowed in connection therewith.

35.41.100 Chapter is alternative and additional method. The authority granted by this chapter shall be considered an alternative and additional method of issuing revenue bonds or warrants by cities and towns and no restriction, limitation, or regulation relative to the issuance of such bonds contained in any other law shall apply to the bonds issued hereunder.

35.41.900 Short title. This chapter shall be known as "the municipal revenue bond act."

Chapter 35.42**LEASES****LEASING OF SPACE WITH OPTION TO PURCHASE—
1959 ACT**

35.42.010 Purpose. It is the purpose of RCW 35.42.010 through 35.42.090 to supplement existing law for the leasing of space by cities and towns to provide for the leasing of such space through leases with an option to purchase and the acquisition of buildings erected upon land owned by a city or town upon the expiration of a lease of such land.

35.42.020 Building defined. The term "building" as used in RCW 35.42.010 through 35.42.090 shall be construed to mean any building or buildings used as a part of, or in connection with, the operation of a city or town, and shall include the site and appurtenances, including but not limited to, heating facilities, water supply, sewage disposal, landscaping, walks, and drives.

35.42.030 Authority to lease. Any city or town may, as lessee, lease a building for its use for a term of not to exceed fifty years.

35.42.040 Renewals—Option to purchase. A lease of a building executed pursuant to RCW 35.42.010 through 35.42.090 may grant the lessee city or town an option to renew for a further term on like conditions, or an option to purchase the building covered by the lease at any time prior to the expiration of the term. A lease with an option to purchase shall provide that all sums paid as rent up to the time of exercising the option shall be credited toward the payment of the purchase price as of the date of payment. No lease shall provide, nor be construed to provide, that any city or town shall be under any obligation to purchase the leased building.

35.42.050 Provisions to pay taxes, insurance, make repairs, improvements, etc. A lease of a building may provide that as a part of the rental, the lessee city or town may pay taxes and assessments on the leased building, maintain insurance thereon for the benefit of the lessor, and assume responsibilities for repair, replacement, alterations, and improvements during the term of the lease.

35.42.060 Execution of lease prior to construction—Lessor's bond—City not obligated for construction costs. A city or town may, in anticipation of the acquisition of a site and the construction of a building, execute a lease, as lessee, prior to the actual acquisition of a site and the construction of a building, but the lease shall not require payment of rental by the lessee until the building is ready

for occupancy. The lessor shall furnish a bond satisfactory to the lessee conditioned on the delivery of possession of the completed building to the lessee city or town at the time prescribed in the lease, unavoidable delay excepted. The lease shall provide that no part of the cost of construction of the building shall ever become an obligation of the lessee city or town.

35.42.070 Lease of city land for building purposes and lease back of building by city. Any city or town desiring to have a building for its use erected on land owned, or to be acquired, by it, may, as lessor, lease the land for a reasonable rental for a term of not to exceed fifty years: *Provided*, That the city or town shall lease back the building or a portion thereof for the same term. The leases shall contain terms as agreed upon between the parties, and shall include the following provisions:

(1) No part of the cost of construction of the building shall ever be or become an obligation of the city or town.

(2) The city or town shall have a prior right to occupy any or all of the building upon payment of rental as agreed upon by the parties, which rental shall not exceed prevailing rates for comparable space.

(3) During any time that all or any portion of the building is not required for occupancy by the city or town, the lessee of the land may rent the unneeded portion to suitable tenants approved by the city or town.

(4) Upon the expiration of the lease, all buildings and improvements on the land shall become the property of the city or town.

35.42.080 ————Bids. A lease and lease back agreement requiring a lessee to build on city or town property shall be made pursuant to a call for bids upon terms most advantageous to the city or town. The call for bids shall be given by posting notice thereof in a public place in the city or town and by publication in the official newspaper of the city or town once each week for two consecutive weeks before the date fixed for opening the bids. If there is no official newspaper, the notice shall be published in a newspaper of general circulation in the city or town. The city council or commission of the city or town may by resolution reject all bids and make further calls for bids in the same manner as the original call. If no bid is received on the first call, the city council or commission may readvertise and make a second call, or may execute a lease without any further call for bids.

35.42.090 Leases exempted from certain taxes. All leases executed pursuant to RCW 35.42.010 through 35.42.090 shall be exempt from the tax imposed by chapter 19, Laws of 1951 second extraordinary session, as amended, and chapter 28.45; section 5, chapter

389, Laws of 1955, and RCW 82.04.040; and section 9, chapter 178, Laws of 1941, and RCW 82.08.090, and by rules and regulations of the tax commission issued pursuant thereto.

**LEASES OF REAL OR PERSONAL PROPERTY OR PROPERTY RIGHTS WITH OR WITHOUT OPTION TO PURCHASE—
1963 ACT**

35.42.200 Leases authorized. Any city or town may execute leases for a period of years with or without an option to purchase with the state or any of its political subdivisions, with the government of the United States, or with any private party for the lease of any real or personal property, or property rights, if the annual rental specified in such lease does not result in a total indebtedness in excess of one and one-half percent of the taxable property of such city or town computed in accordance with RCW 39.36.030: *Provided*, That if the annual rental payment specified in such a proposed lease would result in a total indebtedness in excess of one and one-half percent of the taxable property of such city or town, a proposition in regard to whether or not such a lease may be executed shall be submitted to the voters for their approval or rejection in the same manner that bond issues for capital purposes are submitted: *Provided further*, That any city or town may execute leases authorized by this act jointly with the state or any of its political subdivisions.

35.42.210 Exercise of option to purchase. If at the time an option to purchase is exercised the remaining amount to be paid in order to purchase the real or personal property leased after crediting the rental payments toward the total purchase price therefor does not result in a total indebtedness in excess of one and one-half percent of the taxable property of such city or town computed in accordance with RCW 39.36.030, such a city or town may exercise its option to purchase such property. If such remaining amount to be paid to purchase such leased property will result in a total indebtedness in excess of one and one-half percent of the taxable property of such city or town, a proposition in regard to whether or not to purchase the property shall be submitted to the voters for approval or rejection in the same manner that bond issues for capital purposes are submitted to the voters.

35.42.220 Budgeting rental payments—Bids—Construction of agreement where rental equals purchase price. The annual budget of a city shall provide for the payment of rental that falls due in the year for which the budget is applicable: *Provided*, That if the cost of the real or personal property to be leased exceeds the

amounts specified in RCW 35.23.352 prior to the execution of a lease with option to purchase therefor, the city or town shall call for bids in accordance with RCW 35.23.352: *Provided*, That if at the expiration of a lease with option to purchase a city or town exercises such an option, the fact that the rental payments theretofore made equal the amount of the purchase price of the real or personal property involved in such lease shall not preclude the agreement from being a lease with option to purchase up to the date of the exercising of the option.

Chapter 35.43

LOCAL IMPROVEMENTS—AUTHORITY—INITIATION OF PROCEEDINGS

35.43.010 Terms defined. Whenever the words “city council” or “town council” are used in this and the following chapters relating to municipal local improvements, they shall be construed to mean the council or other legislative body of such city or town. Whenever the word “mayor” is used therein, it shall be construed to mean the presiding officer of said city or town. Whenever the words “installment” or “installments” are used therein, they shall be construed to include installment or installments of interest.

35.43.020 Construction. The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this and the following chapters relating to municipal local improvements but the same shall be liberally construed for the purpose of carrying out the objects for which intended.

35.43.030 Charters superseded—Application—Ordinances—Districts outside city authorized. This and the following chapters relating to municipal local improvements shall supersede the provisions of the charter of any city of the first class inconsistent herewith.

They shall apply to all incorporated cities and towns, including unclassified cities and towns operating under special charters.

The council of each city and town shall pass such general ordinance or ordinances as may be necessary to carry out their provisions and thereafter all proceedings relating to local improvements shall be conducted in accordance with this and the following chapters relating to municipal local improvements and the ordinance or ordinances of such city or town.

Cities or towns may form local improvement districts composed entirely or in part of unincorporated territory adjacent to such city or town’s corporate limits in the manner provided in this chapter.

35.43.040 Authority generally. Whenever the public interest or convenience may require, the legislative authority of any city or town may order the whole or any part of any local improvement including but not restricted to those listed below to be constructed, reconstructed, repaired, or renewed and the planting, setting out, cultivating, maintaining, and renewing of shade or ornamental trees and shrubbery thereon; may order any and all work to be done necessary for completion thereof; and may levy and collect special assessments on property specially benefited thereby to pay the whole or any part of the expense thereof, viz:

(1) Alleys, avenues, boulevards, lanes, park drives, parkways, public places, public squares, public streets, their grading, regrading, planking, replanking, paving, repaving, macadamizing, remacadamizing, graveling, regravelling, piling, repiling, capping, recapping, or other improvement; if the management and control of park drives, parkways, and boulevards is vested in a board of park commissioners, the plans and specifications for their improvement must be approved by the board of park commissioners before their adoption;

(2) Auxiliary water systems;

(3) Auditoriums, field houses, gymnasiums, swimming pools, or other recreational or playground facilities or structures;

(4) Bridges, culverts, and trestles and approaches thereto;

(5) Bulkheads and retaining walls;

(6) Dikes and embankments;

(7) Drains, sewers and sewer appurtenances which as to trunk sewers shall include as nearly as possible all the territory which can be drained through the trunk sewer and subsewers connected thereto. In distributing assessments in the case of trunk sewers there shall be levied against the property lying between the termini of the improvement and back to the middle of the blocks along the marginal lines of the area improved such amounts as would represent the reasonable cost of a local sewer and its appurtenances suited to the requirements of the property, and the remainder of the cost and expense of the improvement shall be distributed over and assessed against all of the property within the boundaries of the district: *Provided*, That if it is necessary to construct any such sewer in an easement across private property as a part of a sewer system improvement the authority to assess for special benefits conferred by the improvement shall be the same as if such sewer were constructed in a public street;

(8) Escalators or moving sidewalks together with the expense of operation and maintenance;

(9) Parks and playgrounds;

(10) Sidewalks, curbing, and crosswalks;

(11) Street lighting systems together with the expense of furnishing electrical energy, maintenance, and operation;

(12) Underground utilities transmission lines;

(13) Water mains, hydrants and appurtenances which as to trunk water mains shall include as nearly as possible all the territory in the zone or district to which water may be distributed from the trunk water mains through lateral service and distribution mains and services. In distributing assessments in the case of trunk water mains there shall be levied against the property lying between the termini of the improvement and back to the middle of the block along the marginal lines of the area improved, such amounts as would represent the reasonable cost of a local water main and appurtenances suited to the requirements of the property, and the remainder of the cost and expense of the improvement shall be distributed over and assessed against all of the property within the boundaries of the district: *Provided*, That if it is necessary to construct any such water main in an easement across private property as a part of a water main system improvement the authority to assess for special benefits conferred by the improvement shall be the same as if such water main were constructed in a public street;

(14) Fences, culverts, syphons, or coverings or any other feasible safeguards along, in place of, or over open canals or ditches to protect the public from the hazards thereof. In distributing assessments in the case of any improvements within this subsection there shall be levied against all property lying within the improvement district such amounts as are required to pay all costs of the improvement, and it is presumed that all residential property and all land occupied by apartment buildings, trailer parks, and every other structure where persons regularly or from time to time or temporarily reside, and all property in public ownership devoted to the public use, and all places where children congregate for any purpose, and all state granted school land, and federal land subject to such conditions as congress may prescribe, lying within the local improvement is specially benefited by the removal of open canal hazards and subject to assessment therefor: *Provided*, That this shall not prevent other and different land from being included and subject to assessment.

35.43.045 Open canals or ditches—Safeguards. Every city or town shall have the right of entry upon all irrigation, drainage, or flood control canal or ditch rights of way within its limits for all purposes necessary to safeguard the public from the hazards of such open canals or ditches, and the right to cause to be constructed, installed, and maintained upon or adjacent to such rights of way safeguards as provided in RCW 35.43.040: *Provided*, That

such safeguards must not unreasonably interfere with maintenance of the canal or ditch or with the operation thereof. The city or town, at its option, notwithstanding any laws to the contrary, may require the irrigation, drainage, flood control, or other district, agency, person, corporation, or association maintaining the canal or ditch to supervise the installation and construction of such safeguards, or to maintain the same. If such option is exercised reimbursement must be made by the city or town for all actual costs thereof.

35.43.050 Authority—Noncontinuous improvements. A local improvement district may include adjoining, vicinal or neighboring streets, avenues and alleys even though the improvement thus made is not connected or continuous: *Provided*, That the cost and expense of each continuous unit of the improvement shall be ascertained separately, as near as may be, and the assessment rates shall be computed on the basis of the cost and expense of each unit. In the event of the initiation of a local improvement district authorized by this section, the legislative body may, in its discretion, eliminate from said district any unit of the improvement which is not connected or continuous and may proceed with the balance of the improvement within said local improvement district, as fully and completely as though said eliminated unit had not been included within the improvement district, without the giving of any notices to the property owners remaining within the district, other than such notices as are required by the provisions of this chapter to be given subsequent to such elimination.

35.43.060 Consolidated cities—Procedure. The city council of any city which is composed of two or more cities or towns which have been or may hereafter be consolidated may make and pass all resolutions, orders and ordinances necessary for any assessment where the improvement was made or was being made by a component city or town prior to consolidation.

35.43.070 Ordinance—Action on petition or resolution. A local improvement may be ordered only by an ordinance of the city or town council, pursuant to either a resolution or petition therefor. The ordinance must receive the affirmative vote of at least a majority of the members of the council.

Charters of cities of the first class may prescribe further limitations. In cities and towns other than cities of the first class, the ordinance must receive the affirmative vote of at least two-thirds of the members of the council if, prior to its passage, written objections to its enactment are filed with the city clerk by or on behalf of the owners of a majority of the lineal frontage of the improve-

ment and of the area within the limits of the proposed improvement district.

35.43.075 Petition for district outside city may be denied. Whenever the formation of a local improvement district which lies entirely or in part outside of a city or town's corporate limits is initiated by petition the legislative authority of the city or town may by a majority vote deny the petition and refuse to form the local improvement district.

35.43.080 Ordinance—Creation of district. Every ordinance ordering a local improvement to be paid in whole or in part by assessments against the property specially benefited shall establish a local improvement district to be known as "local improvement district No.," which shall embrace as nearly as practicable all the property specially benefited by the improvement.

Unless otherwise provided in the ordinance ordering the improvement, the improvement district shall include all the property between the termini of the improvement abutting upon, adjacent, vicinal, or proximate to the street, avenue, lane, alley, boulevard, park drive, parkway, public place or square proposed to be improved to a distance of ninety feet back from the marginal lines thereof or to the center line of the blocks facing or abutting thereon, whichever is greater (in the case of unplatted property, the distance back shall be the same as in the platted property immediately adjacent thereto): *Provided*, That if the local improvement is such that the special benefits resulting therefrom extend beyond the boundaries as above set forth, the council may create an enlarged district to include as nearly as practicable all the property to be specially benefited by the improvement; the petition or resolution for an enlarged district and all proceedings pursuant thereto shall conform as nearly as practicable to the provisions relating to local improvement districts generally except that the petition or resolution must describe it as an enlarged district and state what proportion of the amount to be charged to the property specially benefited shall be charged to the property lying between the termini of the proposed improvement and extending back from the marginal lines thereof to the middle of the block (or ninety feet back) on each side thereof, and what proportion thereof to the remainder of the enlarged district: *Provided further*, That whenever the nature of the improvement is such that the special benefits conferred on the property are not fairly reflected by the use of the aforesaid termini and zone method, the ordinance ordering the improvement may provide that the assessment shall be made against the property of the district in accordance with the special benefits it will derive from the improvement without regard to the zone and termini method.

35.43.090 Ordinance—Creation of district—Special cases. Any ordinance ordering the construction of trunk sewers, of trunk water mains, of dikes or other structures to protect the city or any part thereof from overflow, or to open, deepen, straighten, or enlarge watercourses, waterways, and other channels, and of auxiliary water systems or extensions thereof or additions thereto for the protection of the city or any part thereof from fire, shall describe the place of commencement and ending of the improvement, the route along which the improvement is to be constructed, specify the structures or works necessary thereto or forming a part thereof, and adopt maps, plans and specifications for the improvement.

35.43.100 Ordinance—Finality. The council may continue the hearing upon any petition or resolution provided for in this chapter and shall retain jurisdiction thereof until it is finally disposed of. The action and decision of the council as to all matters passed upon by it in relation to any petition or resolution shall be final and conclusive.

35.43.110 Petition—Mandatory, when. Proceedings to establish local improvement districts must be initiated by petition in the following cases:

(1) Any local improvement payable in whole or in part by special assessments which includes a charge for the cost and expense of furnishing electrical energy to any system of street lighting or for the cost and expense of operation and maintenance of escalators or moving sidewalks shall be initiated only upon a petition signed by the owners of two-thirds of the lineal frontage upon the improvement to be made and two-thirds of the area within the limits of the proposed improvement district;

(2) If the management of park drives, parkways, and boulevards of a city has been vested in a board of park commissioners or similar authority: *Provided*, That the proceedings may be initiated by a resolution, if the ordinance is passed at the request of the park board or similar authority therefor specifying the particular drives, parkways, or boulevards or portions thereof to be improved and the nature of the improvement.

35.43.120 Petition—Requirements. Any local improvement, the assessment district for which does not extend beyond the termini of the improvement may be initiated upon a petition signed by the owners of property aggregating a majority (1) of the lineal frontage upon the improvement and (2) of the area within the proposed district. The petition must set forth the nature and territorial extent of the proposed improvement, the mode of payment, and what proportion of the lineal frontage upon the improvement and of the area within the proposed district is owned by the

petitioners as shown by the records in the office of the county auditor.

If any of the property within the area of the proposed district stands in the name of a deceased person, or of any person for whom a guardian has been appointed and not discharged, the signature of the executor, administrator, or guardian, as the case may be, shall be equivalent to the signature of the owner of the property on the petition. The petition must be filed with the clerk or with such other officer as the city or town by charter or ordinance may require.

35.43.130 Preliminary estimates and assessment roll. Upon the filing of a petition or upon the adoption of a resolution, as the case may be, initiating a proceeding for the formation of a local improvement district, the proper board, officer, or authority designated by charter or ordinance to make the preliminary estimates and assessment roll shall cause an estimate to be made of the cost and expense of the proposed improvement and certify it to the legislative authority of the city or town together with all papers and information in its possession touching the proposed improvement, a description of the boundaries of the district, a statement of what portion of the cost and expense of the improvement should be borne by the property within the proposed district, a statement in detail of the local improvement assessments outstanding and unpaid against the property in the proposed district, and a statement of the aggregate actual valuation of the real estate including twenty-five percent of the actual valuation of the improvements in the proposed district according to the valuation last placed upon it for the purposes of general taxation.

If the proceedings were initiated by petition the designated board, officer or authority shall also determine the sufficiency of the petition and whether the facts set forth therein are true. If the petition is found to be sufficient and in all proceedings initiated by resolution of the legislative authority of the city or town, the estimates must be accompanied by a diagram showing thereon the lots, tracts, and parcels of land and other property which will be specially benefited by the proposed improvement and the estimated amount of the cost and expense thereof to be borne by each lot, tract, or parcel of land or other property: *Provided*, That no such diagram shall be required where such estimates are on file in the office of the city engineer, or other designated city office, together with a detailed copy of the preliminary assessment roll and the plans and assessment maps of the proposed improvement.

For the purpose of estimating and levying local improvement assessments, the value of property of the United States, of the

state, or of any county, city, town, school district, or other public corporation whose property is not assessed for general taxes shall be computed according to the standards afforded by similarly situated property which is assessed for general taxes.

35.43.140 Resolutions — Contents, publication — Hearing, by whom held. Any local improvement to be paid for in whole or in part by the levy and collection of assessments upon the property within the proposed improvement district may be initiated by a resolution of the city council or other legislative authority of the city, declaring its intention to order the improvement, setting forth the nature and territorial extent of the improvement and notifying all persons who may desire to object thereto to appear and present their objections at a time to be fixed therein.

In the case of trunk sewers and trunk water mains the resolution must describe the routes along which the trunk sewer, sub-sewer and branches of trunk water main and laterals are to be constructed.

In case of dikes or other structures to protect the city or town or any part thereof from overflow or to open, deepen, straighten, or enlarge watercourses, waterways and other channels the resolution must set forth the place of commencement and ending thereof and the route to be used.

In the case of auxiliary water systems, or extensions thereof or additions thereto for protection of the city or town or any part thereof from fire, the resolution must set forth the routes along which the auxiliary water system or extensions thereof or additions thereto are to be constructed and specifications of the structures or works necessary thereto or forming a part thereof.

The resolution shall be published in at least two consecutive issues of the official newspaper of the city or town, or if there is no official newspaper, in any legal newspaper of general circulation therein; the first publication to be at least fifteen days before the day fixed for the hearing.

The hearing herein required may be held before the city council, or other legislative authority, or before a committee thereof. If the hearing is before a committee, the committee shall follow the hearing report its recommendation on the resolution to the city council or other legislative authority for final action.

35.43.150 Resolutions—Hearing upon—Notice. Notice of the hearing upon a resolution declaring the intention of the legislative authority of a city or town to order an improvement shall be given by mail at least fifteen days before the day fixed for hearing to the owners or reputed owners of all lots, tracts, and parcels of land or other property to be specially benefited by the proposed

improvement, as shown on the rolls of the county treasurer, directed to the address thereon shown.

The notice shall set forth the nature of the proposed improvement, the estimated cost, and the estimated benefits of the particular lot, tract, or parcel.

35.43.160 Restraints on authority—When initiated by petition. No city or town shall proceed with a local improvement initiated by petition, if it appears from the preliminary estimates and assessment roll that the amount of the estimated cost and expense thereon, which is to be assessed against the property in the proposed district, when added to all other outstanding local improvement assessments against the property in the proposed district (excluding penalties and interest and excluding assessments for diking, drainage, sanitary fill or for filling any street to the established grade over any tideflats or tidelands or for storm or for sanitary sewer or water mains) exceeds the aggregate actual valuation of the real estate (including twenty-five percent of the actual valuation of the improvements thereon), within the district according to the valuation last placed upon it for the purposes of general taxation, unless the property owners or someone in their behalf, deposits with the city or town, a sum of money equal to the amount by which the estimated cost of the improvement exceeds the limit herein fixed: *Provided*, That the limitation of assessment herein fixed shall not apply to the improvement of a particular disconnected unit included in a local improvement district as permitted by RCW 35.43.050, but shall pertain only to the local improvement district as a whole.

35.43.170 Restraints on authority—When initiated by resolution. No city or town shall proceed with a local improvement initiated by resolution of the city's legislative authority if it appears from the preliminary estimates and assessment roll that the city or town would have been prohibited from proceeding had the proceeding been initiated by petition, except when the legislative authority of the city or town, deeming it necessary for public health, by unanimous vote, orders the construction of sanitary sewers and necessary accessories for the disposal of sewage, or the construction of any sanitary fill, or the filling of any street to the established grade over tideflats or tidelands, in which event it may assess all or any part of the cost to property benefited irrespective of the limitations of RCW 35.43.160.

35.43.180 Restraint by protest. The jurisdiction of the legislative authority of a city or town to proceed with any local improvement initiated by resolution shall be divested by a protest filed with the city or town council within thirty days from the date

of passage of the ordinance ordering the improvement, signed by the owners of the property within the proposed local improvement district subject to sixty percent or more of the total cost of the improvement including federally-owned or other nonassessable property as shown and determined by the preliminary estimates and assessment roll of the proposed improvement district or, if all or part of the local improvement district lies outside of the city or town, such jurisdiction shall be divested by a protest filed in the same manner and signed by the owners of property which is within the proposed local improvement district but outside the boundaries of the city or town and which is subject to sixty percent or more of that part of the total cost of the improvement allocable to property within the proposed local improvement district but outside the boundaries of the city or town, including federally-owned or other nonassessable property: *Provided*, That such restraint by protest shall not apply to any local improvement by sanitary sewers where the health officer of any city or town shall file with the legislative authority thereof a report showing the necessity for such improvement and such legislative body finds and recites in the ordinance or resolution authorizing the improvement that such improvement is necessary for the protection of the public health and safety and such ordinance or resolution is passed by unanimous vote of all members present.

35.43.190 Work—By contract or by city. All local improvements, the funds for the making of which are derived in whole or in part from assessments upon property specially benefited shall be made either by the city or town itself or by contract on competitive bids. The city or town may reject any and all bids. The board, officer, or authority charged with the duty of letting contracts for local improvements shall determine whether the local improvements shall be done by contract or by the city or town itself.

35.43.200 Street railways at expense of property benefited. Any city or town in this state owning and operating a municipal street railway over one hundred miles of track shall have power to provide for purchasing, or otherwise acquiring, or constructing and equipping surface, subway and elevated street railways and extensions thereof, and to levy and collect special assessments on property specially benefited thereby, for paying the cost and expense of the same or any portion thereof, as hereinafter provided.

35.43.210 ———Petition—Assessment district. Any improvement district created under RCW 35.43.200-35.43.230 shall be created only by ordinance defining its boundaries as specified and described in the petition therefor and specifying the plan or system

therein provided for; and shall be initiated only upon a petition therefor, specifying and describing the boundaries of such district and specifying the plan or system of proposed improvement, signed by the owners of at least sixty percent of the lineal frontage upon the proposed improvement and of at least fifty percent of the area within the limits of the proposed improvement district: *Provided*, That the city council may in its discretion reject any such petition.

35.43.220 ————**Assessment of cost.** The cost and expense of any such improvement shall be distributed and assessed against all the property included in such local improvement district, in accordance with the special benefits conferred thereon.

35.43.230 ————**Procedure.** Except as herein otherwise provided all matters and proceedings relating to such local improvement district, the levying and collecting of assessments, the issuance and redemption of local improvement warrants and bonds, and the enforcement of local assessment liens hereunder shall be governed by the laws relating to local improvements; and all matters and proceedings relating to the purchase, acquisition, or construction and equipment of the improvement and the operation of the same hereunder and the issuance and redemption of utility bonds and warrants, if any, and the use of general or utility funds, if any, in connection with the purchase, acquisition, construction, equipping, or operation of the improvement shall be governed by the laws relating to municipal public utilities.

Chapter 35.44

LOCAL IMPROVEMENTS—ASSESSMENTS AND REASSESSMENTS

35.44.010 Assessment district—All property to be assessed—Basis. All property included within the limits of a local improvement district shall be considered to be the property specially benefited by the local improvement and shall be the property to be assessed to pay the cost and expense thereof or such part thereof as may be chargeable against the property specially benefited. The cost and expense shall be assessed upon all the property in accordance with the special benefits conferred thereon in proportion to area and distance back from the marginal line of the public way or area improved.

35.44.020 Assessment district—Cost items to be included. There shall be included in the cost and expense of every local improvement for assessment against the property in the district created to pay the same, or any part thereof:

(1) The cost of the portion of the improvement within the street intersections;

(2) The estimated cost and expense of all engineering and surveying necessary for the improvement done under the supervision of the city or town engineer;

(3) The estimated cost and expense of ascertaining the ownership of the lots or parcels of land included in the assessment district;

(4) The estimated cost and expense of advertising, mailing, and publishing all necessary notices;

(5) The estimated cost and expense of accounting, clerical labor, and of books and blanks extended or used on the part of the city or town clerk and city or town treasurer in connection with the improvement;

(6) All cost of the acquisition of rights of way, property, easements or other facilities or rights, whether by eminent domain, purchase, gift, or in any other manner: *Provided*, That the costs enumerated in this subsection may be excluded from the cost and expense to be assessed against the property in such local improvement district if the legislative body of such city or town so designates by ordinance.

35.44.030 Assessment district—Zones. For the purpose of ascertaining the amount to be assessed against each separate lot, tract, parcel of land or other property therein, the local improvement district shall be divided into subdivisions or zones paralleling the margin of the street, avenue, lane, alley, boulevard, park drive, parkway, public place or public square to be improved, numbered respectively first, second, third, fourth, and fifth.

The first subdivision shall include all lands within the district lying between the street margins and lines drawn parallel therewith and thirty feet therefrom.

The second subdivision shall include all lands within the district lying between lines drawn parallel with and thirty and sixty feet respectively from the street margins.

The third subdivision shall include all lands within the district lying between lines drawn parallel with and sixty and ninety feet respectively from the street margins.

The fourth subdivision shall include all lands, if any, within the district lying between lines drawn parallel with and ninety and one hundred twenty feet respectively from the street margins.

The fifth subdivision shall include all lands, if any, within the district lying between a line drawn parallel with and one hundred twenty feet from the street margin and the outer limit of the improvement district.

35.44.040 Assessment rate per square foot. The rate of assessment per square foot in each subdivision of an improvement district shall be fixed on the basis that the special benefits conferred on a square foot of land in subdivisions first, second, third, fourth and fifth, respectively, are related to each other as are the numbers, forty-five, twenty-five, twenty, ten, and five, respectively, and shall be ascertained in the following manner:

(1) The products of the number of square feet in subdivisions first, second, third, fourth, and fifth, respectively, and the numbers forty-five, twenty-five, twenty, ten, and five, respectively, shall be ascertained;

(2) The aggregate sum thereof shall be divided into the total cost and expense of the improvement;

(3) The resultant quotient multiplied by forty-five, twenty-five, twenty, ten, and five, respectively, shall be the respective rate of assessment per square foot for subdivisions first, second, third, fourth and fifth: *Provided*, That in lieu of the above formula the rate of assessment per square foot in each subdivision of an improvement district may be fixed on the basis that the special benefits conferred on a square foot of land in subdivisions first, second, third, fourth and fifth, respectively, are related to each other as are the numbers 0.015000, 0.008333, 0.006666, 0.003333, and 0.001666, respectively; and the method of determining the assessment on each lot, tract, or parcel of land in the improvement district may be ascertained in the following manner:

(1) The products of the number of square feet in subdivisions first, second, third, fourth and fifth, respectively, for each lot, tract or parcel of land in the improvement district and the numbers 0.015000, 0.008333, 0.006666, 0.003333 and 0.001666, respectively, shall be ascertained. The sum of all such products for each such lot, tract or parcel of land shall be the number of "assessable units of frontage" therein;

(2) The rate for each assessable unit of frontage shall be determined by dividing that portion of the total cost of the improvement representing special benefits by the aggregate sum of all assessable units of frontage;

(3) The assessment for each lot, tract or parcel of land in the improvement district shall be the product of the assessable units of frontage therefor, multiplied by the rate per assessable unit of frontage.

35.44.045 Open canals or ditches—Safeguards—Ascertaining assessments. As an alternative to other methods of ascertaining assessments for local improvements, in a local improvement district established for safeguarding open canals or ditches, the district may be sectioned into subdivisions or zones paralleling the

canal or ditch, numbered respectively, first, second, third and fourth. Each subdivision shall be equal to one-quarter of the width of the district as measured back from the margin of the canal right of way. The rate of assessment per square foot in each subdivision so formed shall be fixed on the basis that the special benefits conferred on a square foot of land in subdivisions first, second, third, and fourth, respectively, are related to each other as are the numbers, forty, thirty, twenty, and ten, respectively, and shall be ascertained in the following manner:

(1) The products of the number of square feet in subdivisions first, second, third, and fourth, respectively, and the numbers forty, thirty, twenty, and ten, respectively, shall be ascertained;

(2) The aggregate sum thereof shall be divided into the total cost and expense of the local improvement;

(3) The resultant quotient multiplied by forty, thirty, twenty, and ten, respectively, shall be the respective rate of assessment per square foot for each subdivision.

35.44.050 Assessment roll—Entry of assessments against property. The total assessment thus ascertained against each separate lot, tract, parcel of land, or other property in the district shall be entered upon the assessment roll as the amount to be levied and assessed against each separate lot, tract, parcel of land, or other property.

35.44.060 Assessment roll—Diagram on preliminary survey not conclusive. The diagram or print directed to be submitted to the council shall be in the nature of a preliminary determination by the designated administrative board, officer, or authority upon the method and relative estimated amounts of assessments to be levied upon the property specially benefited by the improvement and shall not be binding or conclusive in any way upon the board, officer, or authority in the preparation of the assessment roll for the improvement or upon the council in any hearing affecting the assessment roll.

35.44.070 Assessment roll—Filing—Hearing, date, by whom held. The assessment roll for local improvements when prepared as provided by law shall be filed with the city or town clerk. The council or other legislative authority shall thereupon fix a date for a hearing thereon before such legislative authority or may direct that the hearing shall be held before a committee thereof. The committee designated shall hold a hearing on the assessment roll and consider all objections filed following which it shall report its recommendations to such legislative authority which shall either adopt or reject the recommendations of the committee. If a hearing is held before such a committee it shall not be necessary to

hold a hearing on the assessment roll before such legislative authority. The same procedure may if so directed by such legislative authority be followed with respect to any assessment upon the roll which is raised or changed to include omitted property. Such legislative authority shall direct the clerk to give notice of the hearing and of the time and place thereof.

35.44.080 Assessment roll—Notice of hearing. The notice of hearing upon the assessment roll shall specify the time and place of hearing and shall notify all persons who may desire to object thereto:

(1) To make their objections in writing and to file them with the city or town clerk at or prior to the date fixed for the hearing;

(2) That at the time and place fixed and at times to which the hearing may be adjourned, the council will sit as a board of equalization for the purpose of considering the roll; and

(3) That at the hearing the council will consider the objections made and will correct, revise, raise, lower, change, or modify the roll or any part thereof or set aside the roll and order the assessment to be made de novo, and at the conclusion thereof confirm the roll by ordinance.

35.44.090 Assessment roll—Notice—Mailing—Publication. At least fifteen days before the date fixed for hearing, notice thereof shall be mailed to the owner or reputed owner of the property whose name appears on the assessment roll, at the address shown on the tax rolls of the county treasurer for each item of property described on the list. In addition thereto the notice shall be published at least five times in a daily newspaper or at least two times in a weekly newspaper, the last publication to be at least fifteen days before the date fixed for hearing.

If the city or town has an official newspaper, the notice must be published therein; otherwise it may be published in any legal newspaper of general circulation in the city or town.

35.44.100 Assessment roll—Hearing—Objections—Authority of council. At the time fixed for hearing objections to the confirmation of the assessment roll, and at the times to which the hearing may be adjourned, the council may correct, revise, raise, lower, change, or modify the roll or any part thereof, or set aside the roll and order the assessment to be made de novo and at the conclusion thereof confirm the roll by ordinance.

35.44.110 Assessment roll—Objections—Timeliness. All objections to the confirmation of the assessment roll shall state clearly the grounds of objections. Objections not made within the time and in the manner prescribed in this chapter shall be conclusively presumed to have been waived.

35.44.120 Assessment roll—Amendment—Procedure. If an assessment roll is amended so as to raise any assessment appearing thereon or to include omitted property, a new time and place for hearing shall be fixed and a new notice of hearing on the roll given as in the case of an original hearing: *Provided*, That as to any property originally entered upon the roll the assessment upon which has not been raised, no objections to confirmation of the assessment roll shall be considered by the council or by any court on appeal unless the objections were made in writing at or prior to the date fixed for the original hearing upon the assessment roll.

35.44.130 City property—Assessment. Every city and town shall include in its annual tax levy an amount sufficient to pay all unpaid assessments with all interest, penalties, and charges thereon levied against all lands belonging to the city or town. The proceeds of such a portion of the tax levy shall be placed in a separate fund to be known as the "city (or town) property assessments redemption fund" and by the city or town treasurer inviolably applied in payment of any unpaid assessment liens on any lands belonging to the city or town.

35.44.140 County property assessment. All lands held or owned by any county in fee simple, in trust, or otherwise within the limits of a local improvement district in a city or town shall be assessed and charged for their proportion of the cost of the local improvement in the same manner as other property in the district and the county commissioners are authorized to cause the assessments to be paid at the times and in the manner provided by law and the ordinances of the city or town. This section shall apply to all cities and towns, any charter or ordinance provision to the contrary notwithstanding.

35.44.150 Harbor area leaseholds—Assessment. All leasehold rights and interest of private individuals, firms or corporations in or to harbor areas located within the limits of a city or town are declared to be real property for the purpose of assessment for the payment of the cost of local improvements. They may be assessed and reassessed in accordance with the special benefits received, which shall be limited to benefits accruing during the term of the lease, to the property subject to lease immediately abutting upon the improvement and extending one-half block therefrom not exceeding, however, three hundred fifty feet.

35.44.160 Leases on tidelands—Assessment. All leases of tidelands owned in fee by the state are declared to be real property for the purpose of assessment for the payment of the cost of local improvements.

35.44.170 Metropolitan park district property—Assessment. All lands held by a metropolitan park district in fee simple, in trust, or otherwise within the limits of a local improvement district in a city or town shall be assessed and charged for their proportion of the cost of all local improvements in the same manner as other property in the district.

35.44.180 Notices—Mailing—Proof. The mailing of any notice required in connection with municipal local improvements shall be conclusively proved by the written certificate of the officer, board, or authority directed by the provisions of the charter or ordinance of a city or town to give the notice.

35.44.190 Proceedings conclusive—Exceptions. Whenever any assessment roll for local improvements has been confirmed by the council, the regularity, validity, and correctness of the proceedings relating to the improvement and to the assessment therefor, including the action of the council upon the assessment roll and the confirmation thereof shall be conclusive in all things upon all parties. They cannot in any manner be contested or questioned in any proceeding by any person unless he filed written objections to the assessment roll in the manner and within the time required by the provisions of this chapter and unless he prosecutes his appeal in the manner and within the time required by the provisions of this chapter.

No proceeding of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any assessment or the sale of any property to pay an assessment or any certificate of delinquency issued therefor, or the foreclosure of any lien therefor, except that injunction proceedings may be brought to prevent the sale of any real estate upon the ground (1) that the property about to be sold does not appear upon the assessment roll or, (2) that the assessment has been paid.

35.44.200 Procedure on appeal—Perfecting appeal. The decision of the council or other legislative body, upon any objections made in the manner and within the time herein prescribed, shall be final and conclusive, subject however to review by the superior court upon appeal. The appeal shall be made by filing written notice of appeal with the city or town clerk and with the clerk of the superior court of the county in which the city or town is situated.

35.44.210 Procedure on appeal—Notice of appeal. The notice of appeal must be filed within ten days after the ordinance confirming the assessment roll becomes effective and shall describe the property and set forth the objections of the appellant to the assessment.

35.44.220 Procedure on appeal—Bond. At the time of filing the notice of appeal with the clerk of the superior court, the appellant shall execute and file with him a sufficient bond in the penal sum of two hundred dollars, with at least two sureties to be approved by the judge of the court, conditioned to prosecute the appeal without delay and, if unsuccessful, to pay all costs to which the city or town is put by reason of the appeal. Upon application therefor, the court may order the appellant to execute and file such additional bonds as the necessity of the case may require.

35.44.230 Procedure on appeal—Transcript. Within ten days from the filing of the notice of appeal, the appellant shall file with the clerk of the superior court a transcript consisting of the assessment roll and his objections thereto, together with the ordinance confirming the assessment roll and the record of the council with reference to the assessment. This transcript, upon payment of the necessary fees therefor, shall be furnished by the city or town clerk and shall be certified by him to contain full, true and correct copies of all matters and proceedings required to be included in the transcript. The fees payable therefor shall be the same as those payable to the clerk of the superior court for the preparation and certification of transcripts on appeal to the supreme court in civil actions.

35.44.240 Procedure on appeal—Notice of hearing. Within three days after the filing of the transcript with the clerk of the superior court, the appellant shall give notice to the head of the legal department of the city or town and to its clerk that the transcript has been filed. The notice shall also state a time (not less than three days from the date of service thereof) when the appellant will call up the cause for hearing.

35.44.250 Procedure on appeal—Hearing by superior court. At the time fixed for hearing in the notice thereof or at such further time as may be fixed by the court, the superior court shall hear and determine the appeal without a jury and the cause shall have preference over all other civil causes except proceedings relating to eminent domain in cities and towns and actions of forcible entry and detainer. The judgment of the court shall confirm, unless the court shall find from the evidence that such assessment is founded upon a fundamentally wrong basis and/or the decision of the council or other legislative body thereon was arbitrary or capricious; in which event the judgment of the court shall correct, change, modify, or annul the assessment insofar as it affects the property of the appellant.

35.44.260 Procedure on appeal—Appeal to supreme court. An appeal shall lie to the supreme court from the judgment of the superior court as in other cases if taken within fifteen days after the date of the entry of the judgment in the superior court. The record and the opening brief of the appellant must be filed in the supreme court within sixty days after the filing of the notice of appeal: *Provided*, That the time for filing the record and the serving and filing of briefs may be extended by order of the superior court or by stipulation of the parties concerned.

35.44.270 Procedure on appeal—Certified copy of decision or order. A certified copy of the decision of the superior court pertaining to assessments for local improvements shall be filed with the officer having custody of the assessment roll and he shall modify and correct the assessment roll in accordance with the decision. In case of appeal to the supreme court, a certified copy of its order shall be filed with the officer having custody of the assessment roll and he shall thereupon modify and correct the assessment roll in accordance with the order.

35.44.280 Reassessments—When authorized. In all cases of special assessments for local improvements wherein the assessments are not valid in whole or in part for want of form, or insufficiency, informality, irregularity, or nonconformance with the provisions of law, charter, or ordinance, the city or town council may reassess the assessments and enforce their collection in accordance with the provisions of law and ordinance existing at the time the reassessment is made. This shall apply not only to an original assessment but also to any reassessment, to any assessment upon omitted property and to any supplemental assessment which is declared void and its enforcement refused by any court or which for any cause has been set aside, annulled or declared void by any court either directly or by virtue of any decision thereof.

35.44.290 Reassessments—Basis—Property included. Every reassessment shall be made upon the property which has been or will be specially benefited by the local improvement and may be made upon property whether or not it abuts upon, is adjacent to, or proximate to the improvement or was included in the original assessment district.

Property not included in the original improvement district when so assessed shall become a part of the improvement district and all payments of assessments shall be paid into and become part of the local improvement fund to pay for the improvement.

Property in the original local improvement district which is

excluded in reassessment need not be entered upon the assessment roll.

Every reassessment must be based upon the actual cost of the improvement at the time of its completion.

35.44.300 Reassessments—Irregularities not fatal. The fact that the contract has been let or that the improvement has been made and completed in whole or in part shall not prevent the reassessment from being made, nor shall the omission or neglect of any office or officers to comply with the law, the charter, or ordinances governing the city or town as to petition, notice, resolution to improve, estimate, survey, diagram, manner of letting contract, or execution of work or any other matter connected with the improvement and the first assessment thereof operate to invalidate or in any way affect the making of a reassessment.

35.44.310 Reassessments—Amount thereof. The reassessment shall be for an amount which shall not exceed the actual cost and expense of the improvement, together with the accrued interest thereon, it being the true intent and meaning of the statutes relating to local improvements to make the cost and expense of local improvements payable by the property specially benefited thereby, notwithstanding the proceedings of the council, board of public works or other board, officer, or authority may be found to be irregular or defective, whether jurisdictional or otherwise.

35.44.320 Reassessments—Credit for prior payments. In case of reassessment, all sums paid on the former attempted assessments shall be credited to the property on account of which they were paid.

35.44.330 Reassessments—Payment. In case of reassessment after the certification of the assessment roll to the city or town treasurer for collection, the same length of time for payment of the assessment thereon without the imposition of any penalties or interest and the notice that the assessments are in the hands of the treasurer for collection shall be given as in case of an original assessment. After delinquency, penalties and interest may be charged as in cases of original assessment and if the original assessment was payable in installments, the new assessment may be divided into equal installments and made payable at such times as the city or town council may prescribe in the ordinance ordering the new assessment.

35.44.340 Reassessments—Limitation of time for. No city or town shall have jurisdiction to proceed with any reassessment unless the ordinance ordering it is passed by the city or town council within ten years from and after the time the original assessment

for the same improvement was finally held to be invalid, insufficient or for any cause set aside, in whole or in part or its enforcement denied directly or indirectly by the courts.

35.44.350 Reassessments, assessments on omitted property, supplemental assessments—Provisions governing. All of the provisions of law relating to the filing of assessment rolls, time and place for hearing thereon, notice of hearing, the hearing upon the roll, the confirmation of the assessment roll, the time when the assessments become a lien upon the property assessed, the proceedings on appeal from any such assessment, the method of collecting the assessment and all proceedings for enforcing the lien thereof shall be had and conducted the same in the case of reassessments, assessments on omitted property, or supplemental assessments as in the case of an original assessment.

35.44.360 Assessments on omitted property—Authority. If by reason of mistake, inadvertence, or for any cause, property in a local improvement district which except for its omission would have been subject to assessment has been omitted from the assessment roll, the city or town council, upon its own motion, or upon the application of the owner of any property in the district which has been assessed for the improvement, may proceed to assess the property so omitted in accordance with the benefits accruing to it by reason of the improvement in proportion to the assessments levied upon other property in the district.

35.44.370 Assessments on omitted property—Resolution—Notice. In case of assessments on omitted property the city or town council shall pass a resolution:

(1) Setting forth that the property therein described was omitted from the assessment;

(2) Notifying all persons who may desire to object thereto to appear at a meeting of the city or town council at a time specified in the resolution and present their objections thereto, and

(3) Directing the proper board, officer, or authority to report to the council at or prior to the date fixed for the hearing the amount which should be borne by each lot, tract, or parcel of land or other property so omitted. The resolution shall be published in all respects as provided for publishing the resolutions for an original assessment.

35.44.380 Assessments on omitted property—Confirmation ordinance—Collection. At the conclusion of the hearing or any adjournment thereof upon proposed assessments on omitted property the council shall consider the matter as though the property were included in the original roll and may confirm the roll or any por-

tion thereof by ordinance. Thereupon the roll of omitted property shall be certified to the treasurer for collection as other assessments.

35.44.390 Supplemental assessments—When authorized. If by reason of any mistake, inadvertence, or other cause, the amount assessed was not equal to the cost and expense of a local improvement or that portion thereof to be paid by assessment of the property benefited the city or town council shall make supplemental assessments on all the property in the district. The property found to be specially benefited shall not be limited to the property included in the original assessment district.

These assessments shall be made in accordance with the provisions of law, charter, and ordinances existing at the time of the levy.

35.44.400 Supplemental assessments—Limitation of time for. No city or town shall have jurisdiction to proceed with any supplemental assessment unless the ordinance ordering it is passed by the city or town council within ten years from and after the time that it was finally determined that the total amount of valid assessments levied and assessed on account of a local improvement was insufficient to pay the whole or that portion of the cost and expense thereof to be paid by special assessment.

Chapter 35.45

LOCAL IMPROVEMENTS—BONDS AND WARRANTS

35.45.010 Authority to issue bonds. The city or town council may provide by ordinance for the payment of the whole or any portion of the cost and expense of any local improvement by bonds of the improvement district, but no bonds shall be issued in excess of the cost and expense of the improvement, nor shall they be issued prior to twenty days after the thirty days allowed for the payment of assessments without penalty or interest.

35.45.020 Bond issue—Due date—Interest. Local improvement bonds shall be issued pursuant to ordinance and shall be made payable on or before a date not to exceed twelve years from and after the date of issue, which latter date may be fixed by resolution of the council, and bear interest not to exceed eight percent per annum, payable annually or semiannually: *Provided*, That they may be made payable on or before a date not to exceed twenty-two years from and after the date of issue:

(1) If the improvement lies wholly or partly within the boundaries of a commercial waterway district; or

(2) If the city or town council having determined by unanimous vote that the period during which the bonds are payable will not exceed the life of the improvement, by unanimous vote adopts an

ordinance which provides for their issuance payable on or before a date not to exceed twenty-two years from and after their date and also provides that the interest on the bonds issued for a period in excess of twelve years shall not exceed six percent per annum and must be sold at not less than par.

35.45.030 Bonds — Form — Content—Coupons. Local improvement bonds shall be in such denominations as may be provided in the ordinance authorizing their issue and shall be numbered from one upwards consecutively. Each bond shall (1) be signed by the mayor and attested by the clerk, (2) have the seal of the city or town affixed thereto, (3) refer to the improvement to pay for which it is issued and the ordinance ordering it, (4) provide that the principal sum therein named and the interest thereon shall be payable out of the local improvement fund created for the cost and expense of the improvement or out of the local improvement guaranty fund and not otherwise, (5) provide that the bondholders' remedy in case of nonpayment shall be confined to the enforcement of the special assessments made for the improvement and to the guaranty fund, and (6) have attached thereto interest coupons for each interest payment.

The interest coupons may be signed by the mayor and attested by the clerk, or in lieu thereof, may have printed thereon a facsimile of their signatures.

35.45.040 Bonds—Sale of. Local improvement bonds may be issued to the contractor or sold by the officers authorized by the ordinance directing their issue to do so, in the manner prescribed therein and at not less than par and accrued interest. Any portion of the bonds of any issue remaining unsold may be issued to the contractor constructing the improvement in payment thereof.

The proceeds of all sales of bonds shall be applied in payment of the cost and expense of the improvement.

35.45.050 Call of bonds. The city or town treasurer shall call in and pay the principal of one or more bonds of any issue in their numerical order whenever there is sufficient money in any local improvement fund, against which the bonds have been issued, over and above sufficient for the payment of interest on all unpaid bonds of that issue. The call shall be made for publication in the city or town official newspaper in its first publication following the date of delinquency of any installment of the assessment or as soon thereafter as practicable. The call shall state that bonds No. (giving the serial number or numbers of the bonds called) will be paid on the day the next interest coupons on the bonds become due and that interest on those bonds will cease upon that date.

35.45.060 Interest on bonds—How payable. The city or town treasurer shall pay interest on the bonds issued against local improvement funds out of the local improvement fund from which the bonds are payable.

35.45.070 Nonliability of city or town. Neither the holder nor owner of any bond, interest coupon, or warrant issued against a local improvement fund shall have any claim therefor against the city or town by which it is issued, except for payment from the special assessments made for the improvement for which the bond or warrant was issued and except also for payment from the local improvement guaranty fund of the city or town as to bonds issued after the creation of a local improvement guaranty fund of that city or town. The city or town shall not be liable to the holder or owner of any bond, interest coupon, or warrant for any loss to the local improvement guaranty fund occurring in the lawful operation thereof. A copy of the foregoing part of this section shall be plainly written, printed or engraved on each bond.

35.45.080 Remedy of bondholders. If a city or town fails to pay any bonds or to promptly collect any local improvement assessments when due, the owner of the bonds may proceed in his own name to collect the assessment and foreclose the lien thereof in any court of competent jurisdiction and shall recover in addition to the amount of the bond and interest thereon, five percent, together with the cost of suit. Any number of holders of bonds for any single improvement may join as plaintiffs and any number of owners of property upon which the assessments are liens may be joined as defendants in the same suit.

The owners of local improvement bonds issued by a city or town after the creation of a local improvement guaranty fund therein, shall also have recourse against the local improvement guaranty fund of such city or town.

35.45.090 Excess to be refunded—Demand—Right of action. Any funds in the treasury of any municipal corporation belonging to the fund of any local improvement district after the payment of the whole cost and expense of such improvement, in excess of the total sum required to defray all the expenditures by such municipal corporation on account thereof, shall be refunded, on demand, to the payers into such fund. Each such payer shall be entitled to such proportion of such excess as his original assessment bears to the entire original assessment levied for such improvement. Such municipal corporation may, after one year from the date on which the last installment becomes due, transfer any balance remaining on hand to the general fund of such municipal corporation, but shall, notwithstanding such transfer remain liable for the refund herein

provided for until such refund shall have been made, unless the actual cost involved in making such refund shall exceed the excess in such fund.

Such demand shall be made in writing to the treasurer of such municipal corporation. No action shall be commenced in any court to obtain any such refund, except upon such demand, and until ninety days after making such demand. No excess shall be recovered in any action where the excess in the fund does not average the sum of one dollar in favor of all payers into such fund.

This section shall not be deemed to require the refunding of any balance left in any local improvement fund after the payment of all outstanding obligations issued against such fund, where such balance accrues from any saving in interest or from penalties collected upon delinquent assessments, but any such balance, whether accruing heretofore or hereafter, may be turned into the general fund or otherwise disposed of, as the legislative authority of the city may direct.

The provisions of this chapter relating to the refund of excess local improvement district funds shall not apply to any district whose obligations are guaranteed by the local improvement guaranty fund.

35.45.130 Warrants against local improvement fund authorized. Every city and town may provide by ordinance for the issuance of warrants in payment of the cost and expense of any local improvement, payable out of the local improvement district fund. The warrants shall bear interest at a rate not to exceed eight percent per annum and shall be redeemed either in cash or by local improvement bonds for the same improvement authorized by ordinance.

All warrants against any local improvement fund sold by the city or town or issued to a contractor and by him sold or hypothecated for a valuable consideration shall be claims and liens against the improvement fund against which they are drawn prior and superior to any right, lien, or claim of any surety upon the bond or bonds given to the city or town by or for the contractor to secure the performance of his contract or to secure the payment of persons who have performed work thereon, furnished materials therefor, or provisions and supplies for the carrying on of the work.

35.45.140 Warrants acceptable in payment of assessments. Cities and towns may accept warrants drawn against any local improvement fund upon such conditions as they may by ordinance or resolution prescribe, in satisfaction of:

- (1) Assessments levied to supply such fund, in due order of priority of right;
- (2) Judgments rendered against property owners who have be-

come delinquent in the payment of assessments levied to supply such fund; and

(3) In payment of certificates of purchase in cases where property of delinquents has been sold under execution or at tax sale for failure to pay assessments levied to supply such fund.

35.45.150 Installment notes—Interest certificates. In addition to the issuance of bonds and warrants in payment of the cost and expense of any local improvement, any city or town may also issue installment notes payable out of the local improvement district fund, where such notes are to be sold exclusively to another fund of the same municipality as an investment thereof. Such installment notes may be issued any time after the thirty day period allowed by law for the payment of assessments of any district without penalty or interest, and may bear any denomination or denominations, the aggregate of which shall represent the balance of the cost and expense of the local improvement district which is to be borne by the property owners therein.

Application of local improvement district funds for the reduction of the principal and interest amounts due on any notes herein provided to finance said improvement shall be made not less than once each year beginning with the issue date thereof. If more than one local improvement installment note is issued for a single district, said notes shall be numbered consecutively. All notes issued shall bear on the face thereof: (1) The name of the payee; (2) the number of the local improvement district from whose funds the notes are payable; (3) the date of issue of each note; (4) the date on which the note, or the final installment thereon shall become due; (5) the rate of interest, not to exceed eight percent, to be paid on the unpaid balance thereof, and; (6) such manual or facsimile signatures and attestations as are required by state statute or city charter to appear on the warrants of each issuing municipality.

The reverse side of each installment note issued pursuant to this section shall bear a tabular payment record which shall indicate at prescribed installment dates, the receipt of any local improvement district funds for the purpose of servicing the debt evidenced by said notes. Such receipts shall first be applied toward the interest due on the unpaid balance of the note, and any additional moneys shall thereafter apply as a reduction of the principal amount thereof. The tabular payment record shall, in addition to the above, show the unpaid principal balance due on each installment note, together with sufficient space opposite each transaction affecting said note for the manual signature of the city's clerk, treasurer or other properly designated receiving officer of the municipality.

Whenever there are insufficient funds in a local improvement

district to meet any payment of installment interest due on any note herein authorized, a non-interest-bearing defaulted installment interest certificate shall be issued by the city treasurer which shall consist of a written statement certifying the amount of such defaulted interest installment; the name of the payee of the note to whom the interest is due and the number of the local improvement district from whose funds the note and interest thereon is payable. The certificate herein provided shall bear the manual signature of the city treasurer or his authorized agent. The defaulted installment interest certificate so issued shall be redeemed for the face amount thereof with any available funds in the local improvement guaranty fund.

Whenever at the date of maturity of any installment note issued pursuant to this section, there are insufficient funds in a local improvement district, due to delinquencies in the collection of assessments, to pay the final installment of principal due thereon, the note shall be redeemed with any available funds in the local improvement guaranty fund for the amount of said final installment.

All certificates and notes issued pursuant to this section are to become subject to the same redemption privileges as apply to any local improvement district bonds and warrants now accorded the protection of the local improvement guaranty fund as provided in chapter 35.54 RCW, and whenever the certificates or notes issued as herein provided are redeemed by said local improvement guaranty fund, they shall be held therein as investments thereof in the same manner as prescribed for other defaulted local improvement district obligations.

Notwithstanding any other statutory provisions, local improvement installment notes authorized by this section which are within the protection of the local improvement guaranty fund law shall be considered legal investments for any available surplus funds of the issuing municipality which now or hereafter may be authorized to be invested in the city's local improvement districts' bonds or warrants.

Chapter 35.48

LOCAL IMPROVEMENTS—NONGUARANTEED BONDS

35.48.010 Special revolving fund for delinquent nonguaranteed bonds and warrants—Composition. If any city or town has issued bonds or warrants payable from a local improvement or condemnation award fund, to which the local improvement guaranty fund law is not applicable, and if the assessment, or last installment thereof, against which the bonds or warrants were issued has been delinquent not more than thirty-two years, the city or town may create

a special revolving fund and may provide moneys therefor by general tax levy, if the levy, together with other levies made or authorized by such city or town, will not exceed the levy which is legally allowed; or such city or town may place in said fund or advance or loan to said fund any money which it is not prohibited by law from advancing, loaning to or placing in said fund.

35.48.020 Use of revolving fund—Maximum bond price. Any moneys in such revolving fund may be used for the purchase of unpaid delinquent local improvement warrants, or bonds and interest coupons thereon, issued by the city or town, payable from a local improvement district fund or condemnation award fund, to which the local improvement guaranty fund law is not applicable, if the assessment, or last installment thereof, against which the bonds or warrants have been issued, has been delinquent not more than thirty-two years. The maximum purchase price to be paid for said bonds or warrants shall be fixed by the municipality, and may from time to time be changed but shall never exceed fifty percent of the face value of the bonds, interest coupons, or warrants: *Provided*, That no warrants shall be issued payable from the revolving fund unless there is sufficient cash in said fund available for payment of such warrants.

35.48.030 Subrogation—Refund of surplus. The purchase of any such bonds or warrants shall not relieve the local improvement or condemnation award fund from which the same are payable from liability for payment of the same, but the city or town upon purchase thereof shall become subrogated to all the rights of the former owners thereof and may proceed to enforcement of said bonds or warrants as any owner thereof might do. The city or town may sell any property acquired by it in such proceedings upon such terms and for such prices as it sees fit, or it may resell any of the bonds or warrants for such prices as it shall fix.

Any excess in any local improvement district fund or condemnation award fund which will average a payment of one dollar to each payer into said fund shall, after payment, retirement, or cancellation of all bonds or warrants payable from said fund, be refunded and paid to the payers into the fund in the proportion that their respective assessments bear to the entire original assessment levied for such improvement, and any unpaid assessments, or portion thereof, shall be reduced in the same proportion. Any proceeds derived from the sale of any bonds or warrants, or from the sale of real estate, shall be placed in the revolving fund.

35.48.040 Refund to revolving fund. If there are funds in any local improvement district fund or condemnation award fund sufficient to pay or retire any bond or warrant issued and payable from

said fund, and the city or town is the owner and holder of the bond or warrant next payable from the fund, the city or town treasurer shall from the moneys in the local improvement or condemnation award fund place in the revolving fund a sum of money equivalent to the amount paid by the city or town for such bond or warrant and shall thereupon cancel, mark paid and remove from said revolving fund such bond or warrant.

35.48.050 Purchase of warrants on previous funds—Transfer of assets to revolving fund—Disposition. Whenever a city or town has heretofore by ordinance created a fund for use in purchasing delinquent local improvement or condemnation award bonds or warrants not protected by the local improvement guaranty fund law, and has purchased any such bonds or warrants and issued warrants payable from said fund, which warrants are unpaid because of lack of funds and have remained unpaid for a period of less than thirty-two years from date of issue thereof, the city or town may use any funds available in the revolving fund to purchase said warrants at such price as it may determine, but in no event at more than fifty percent of the face value, without interest.

Whenever all such warrants have been purchased or paid, the city or town may transfer to the revolving fund any bonds, warrants or other assets belonging to said fund first above mentioned, and thereafter such bonds, warrants or other assets shall be held and disposed of for the benefit of said revolving fund in the same manner as other funds and assets therein: *Provided*, That nothing contained in this chapter shall legalize any warrants heretofore issued or render any city or town liable thereunder.

35.48.060 Procedure governed by ordinance. All actions of a city or town respecting the purchase of bonds and warrants or sales of bonds, warrants or assets of the revolving fund shall be as directed by general or special ordinance.

Chapter 35.49

LOCAL IMPROVEMENTS—COLLECTION OF ASSESSMENTS

35.49.010 Collection by city treasurer—Notice. All assessments for local improvements shall be collected by the city treasurer and shall be kept in a separate fund to be known as “local improvement fund, district No.” and shall be used for no other purpose than the redemption of warrants drawn upon and bonds issued against the fund to provide payment for the cost and expense of the improvement.

As soon as the assessment roll has been placed in the hands of the city or town treasurer for collection, he shall publish a notice

in the official newspaper of the city or town for ten consecutive daily or two consecutive weekly issues, that the roll is in his hands for collection and that all or any portion of the assessment may be paid within thirty days from the date of the first publication of the notice without penalty, interest or costs.

35.49.020 Installments—Number—Due date. In all cases where bonds are issued to pay the cost and expense of a local improvement, the ordinance levying the assessments shall provide that the sum charged against any lot, tract, and parcel of land or other property, or any portion thereof, may be paid during the thirty day period allowed for the payment of assessments without penalty or interest and that thereafter the sum remaining unpaid may be paid in equal annual installments. The number of installments shall be less by two than the number of years which the bonds issued to pay for the improvement are to run. Interest on the whole amount unpaid at the rate fixed by the ordinance shall be due on the due date of the first installment of principal and each year thereafter on the due date of each installment of principal: *Provided*, That the city council of a city of the first class having a population of three hundred thousand or more having made a bond issue payable on or before twenty-two years after the date of issue may provide by ordinance that all assessments and portions of assessments unpaid after the thirty day period allowed for payment of assessments without penalty or interest may be paid in ten equal installments beginning with the eleventh year and ending with the twentieth year from the expiration of said thirty day period, together with interest on the unpaid installments at the rate fixed by such ordinance, and that in each year after the said thirty day period, to and including the tenth year thereafter, one installment of interest on the principal sum of the assessment at the rate so fixed shall be paid and collected, and that beginning with the eleventh year after the thirty day period one installment of the principal, together with the interest due thereon, and on all installments thereafter to become due shall be paid and collected.

35.49.030 Ordinance to prescribe time of payment—Interest—Penalties. Every city and town shall prescribe by ordinance within what time assessments or installments thereof shall be paid, and shall provide for the payment and collection of interest thereon at a rate not to exceed eight percent per annum. Assessments or installments thereof, when delinquent, in addition to such interest, shall bear such penalty not less than five percent as shall be by general ordinance prescribed.

35.49.040 Payment without interest or penalty. The owner of any lot, tract, or parcel of land or other property charged with local

improvement assessment may redeem it from all or any portion thereof by paying to the city or town treasurer all or any portion thereof without interest within thirty days after the first publication by the treasurer of notice that the assessment roll is in his hands for collection.

35.49.050 Prepayment of installments subsequently due. The owner of any lot, tract, or parcel of land or other property charged with a local improvement assessment may redeem it from all liability for the unpaid amount of the assessment at any time after the thirty day period allowed for payment of assessments without penalty or interest by paying the entire installments of the assessment remaining unpaid to the city or town treasurer with interest thereon to the date of maturity of the installment next falling due.

35.49.060 Payment by city or town. On or before the fifteenth day of August of each year, the city or town treasurer shall certify to the city or town council a detailed statement showing:

(1) The proceedings authorizing and confirming any local improvement assessments affecting city or town property,

(2) The lots, tracts, or parcels of land of the city or town so assessed,

(3) The several assessments against each,

(4) The interest, penalties, and charges thereon,

(5) The penalties and charges which will accrue upon the assessments to the date of payment, and

(6) The total of all such assessments, interest, penalty, and charges.

The longest outstanding liens shall be paid first, but if the money in the "city (or town) property assessments redemption fund" is insufficient at any time to discharge all such liens against the lands of the city or town upon a given assessment roll, the city or town treasurer may pay such portion thereof as may be possible from the funds available.

If deemed necessary, the city or town council may transfer money from the general fund to the redemption fund as a loan to be repaid when the money is available for repayment.

35.49.070 Payment by county. Upon the confirmation of the assessment roll for a local improvement district, the city or town treasurer shall certify and forward to the board of county commissioners a statement of all the lots, tracts, or parcels of land held or owned by the county assessed thereon, separately describing each lot, tract, or parcel, with the amount of the assessment charged against it.

The board of county commissioners shall cause the amount of

such local assessments to be paid to the city or town as other claims against the county are paid.

If title to any property thus described was acquired by the county through foreclosure of general tax liens, the county shall:

- (1) Pay the assessment from the proceeds of the sale of the property; or
- (2) Sell the property subject to the lien of the assessment.

35.49.080 Payment by metropolitan park district. Upon the confirmation of the assessment roll for a local improvement district, the city treasurer shall certify and forward to the board of park commissioners of any metropolitan park district in which the city is located, a statement of all the lots, tracts, and parcels of land or other property held or owned by the district, assessed thereon, separately describing each lot, tract, or parcel with the amount of the assessment charged against it.

The board of park commissioners shall cause the amount of the local assessments to be paid as other claims against the metropolitan park district are paid.

35.49.090 Payment by joint owner. If any assessment for a local improvement, or an installment thereof, or judgment for either of them is paid, or a certificate of sale for either of them is redeemed by a joint owner of any of the property so assessed, he may, after demand and refusal, recover from his co-owners, by an action brought in superior court, the respective portions of the payment which each co-owner should bear. He shall have a lien upon the undivided interests of his co-owners from the date of the payment made by him and in the action shall recover interest at ten percent from the date of payment by him and the costs of the action in addition to the principal sum due him.

35.49.100 Payment in error—Remedy. If, through error or inadvertence, a person pays any assessment for a local improvement or an installment thereof upon the lands of another, he may, after demand and refusal, recover from the owner of such lands, by an action in the superior court, the amount so paid and the costs of the action.

35.49.110 Record of payment. If the amount of any assessment for a local improvement with interest, penalty, costs, and charges accrued thereon is paid to the treasurer before sale of the property in foreclosure of the lien thereon, the city or town treasurer shall mark it paid upon the assessment roll with the date of payment thereof.

35.49.120 Tax liens—Private certificate holder takes subject to local assessments. The holder of a certificate of delinquency for

general taxes, before commencing any action to foreclose the lien of such certificate, shall pay in full all local improvement assessments or installments thereof which are a lien against the property or any portion thereof, or he may elect to proceed to acquire title to the property subject to certain or all of the assessments or installments which are a lien thereon, in which case the complaint, decree of foreclosure, order of sale, sale, certificate of sale, and deed shall so state.

If the holder pays such local assessments or installments he shall be entitled to twelve percent interest per annum on the amount of the delinquent assessments or delinquent installments thereof so paid, from the date of payment.

35.49.130 Tax liens—County foreclosures—Notice to city treasurers—City may protect assessment lien. In county foreclosures for delinquency in the payment of general taxes, the county treasurer shall mail a copy of the published summons to the treasurer of every city and town within which any property involved in the foreclosure proceeding is situated. The copy of the summons shall be mailed within fifteen days after the first publication thereof, but the county treasurer's failure to do so shall not affect the jurisdiction of the court nor the priority of the tax sought to be foreclosed.

If any property situated in a city or town is offered for sale for general taxes, the city or town shall have power to protect the lien or liens of any local improvement assessments outstanding against the whole or portion of such property by purchase thereof or otherwise.

35.49.140 Tax liens—Payment by city after taking property on foreclosure of local assessments. If a city or town has bid in any property on sale for local improvement assessments, it may satisfy the lien of any outstanding general taxes upon the property by payment of the face of such taxes and costs, without penalty or interest, but this shall not apply where certificates of delinquency against the property have been issued to private persons.

35.49.150 Tax title property—City may acquire from county before resale. If property is struck off to or bid in by a county at a sale for general taxes, and is subject to local improvement assessments in any city or town, or has been taken over by the city or town on the foreclosure of local improvement assessments, the city or town may acquire the property from the county at any time before resale and receive a deed therefor upon paying the face of such taxes and costs, without penalty or interest.

35.49.160 Tax title property—Disposition of proceeds upon resale. Whenever property struck off to or bid in by a county at a sale

for general taxes is subsequently sold by the county, the proceeds of the sale shall first be applied to discharge in full the lien or liens for general taxes for which property was sold; the remainder, or such portion thereof as may be necessary, shall be paid to the city or town to discharge all local improvement assessment liens against the property; and the surplus, if any, shall be distributed among the proper county funds.

Chapter 35.50

LOCAL IMPROVEMENTS—FORECLOSURE OF ASSESSMENTS

35.50.005 Filing of title, diagram, expense—Posting proposed roll. Within fifteen days after any city or town has awarded a contract for the making of a local improvement, or within fifteen days after commencement of work on said improvement when the work is done by the city or town, the city or town awarding said contract shall cause to be filed with the officer authorized by law to collect the assessments for such improvement, the title of the improvement and district number and a copy of the diagram or print showing the boundaries of the district and preliminary assessment roll or abstract of same showing thereon the lots, tracts and parcels of land that will be especially benefited thereby and the estimated cost and expense of such improvement to be borne by each lot, tract, or parcel of land. Such officer shall immediately post the proposed assessment roll upon his index of local improvement assessments against the properties affected by the local improvement.

35.50.010 Assessment lien—Attachment—Priority. The charge assessed upon the respective lots, tracts, or parcels of land and other property in the assessment roll confirmed by ordinance of the city or town council for the purpose of paying the cost and expense in whole or in part of any local improvement, shall be a lien upon the property assessed from the time the assessment roll is placed in the hands of the city or town treasurer for collection, but as between the grantor and grantee, or vendor and vendee of any real property, when there is no express agreement as to payment of the local improvement assessments against the real property, the lien of such assessment shall attach thirty days after the filing of the diagram or print and the estimated cost and expense of such improvement to be borne by each lot, tract, or parcel of land, as provided in RCW 35.50.005. Interest and penalty shall be included in and shall be a part of the assessment lien.

The assessment lien shall be paramount and superior to any other lien or encumbrance theretofore or thereafter created except a lien for general taxes.

35.50.020 Assessment lien—Validity. If the city or town council in making assessments against any property within any local improvement district has acted in good faith and without fraud, the assessments shall be valid and enforceable as such and the lien thereof upon the property assessed shall be valid.

It shall be no objection to the validity of the assessment, or the lien thereof:

(1) That the contract for the improvement was not awarded in the manner or at the time required by law; or

(2) That the assessment was made by an unauthorized officer or person if the assessment roll was confirmed by the city or town authorities; or

(3) That the assessment is based upon a front foot basis, or upon a basis of benefits to the property within the improvement district unless it is made to appear that the city or town authorities did not act in good faith and did not attempt to act fairly in regard thereto or unless it is made to appear that the city or town authorities acted fraudulently or oppressively in making the assessment.

All local improvement assessments heretofore or hereafter made by city or town authorities in good faith are valid and in full force and effect.

35.50.030 Authority and conditions precedent to foreclosure. If on the first day of January in any year, two installments of any local improvement assessment are delinquent, or if the final installment thereof has been delinquent for more than one year, the city or town shall proceed with the foreclosure of the delinquent assessment or delinquent installments thereof by proceedings brought in its own name in the superior court of the county in which the city or town is situate.

The proceedings shall be commenced on or before March 1st of that year or on or before such other date in such year as may be fixed by general ordinance, but not before the city or town treasurer has mailed to the persons whose names appear on the assessment roll as owners of the property charged with the assessments or installments which are delinquent, at the address last known to the treasurer, a notice thirty days before the commencement of the proceedings.

The notice shall state the amount due upon each separate lot, tract, or parcel of land and the date after which the proceedings will be commenced. The city or town treasurer shall file with the clerk of the superior court at the time of commencement of the foreclosure proceeding the affidavit of the person who mailed the notices. This affidavit shall be conclusive proof of compliance with the requirements of this section.

35.50.040 Entire assessment, foreclosure of. When the local improvement assessment is payable in installments, the enforcement of the lien of any installment shall not prevent the enforcement of the lien of any subsequent installment.

A city or town may by general ordinance provide that upon failure to pay any installment due the entire assessment shall become due and payable and the collection thereof enforced by foreclosure: *Provided*, That the payment of all delinquent installments together with interest, penalty, and costs at any time before entry of judgment in foreclosure shall extend the time of payment on the remainder of the assessments as if there had been no delinquency or foreclosure. Where foreclosure of two installments of the same assessment on any lot, tract, or parcel is sought, the city or town treasurer shall cause such lot, tract, or parcel to be dismissed from the action, if the installment first delinquent together with interest, penalty, costs, and charges is paid at any time before sale.

35.50.050 Limitation of foreclosure action. An action to collect a local improvement assessment or any installment thereof or to enforce the lien thereof whether brought by the city or town, or by any person having the right to bring such action must be commenced within ten years after the assessment becomes delinquent or within ten years after the last installment becomes delinquent, if the assessment is payable in installments.

35.50.060 Procedure—Commencement of action. The proceeding when brought by the city or town shall be initiated by filing with the clerk of the superior court a certificate of the city or town treasurer setting forth a description of each separate lot, tract, or parcel of land or other property upon which the assessment or installments thereof are delinquent, the date of delinquency and the amount thereof, including interest and penalty, the name of the owner thereof as appears upon the assessment roll, or that the owner is unknown, the number and date of passage of the ordinance authorizing the improvement, the number and date of passage of the ordinance confirming the assessment roll and the number of the local improvement district.

All such lots, tracts, or parcels of land or other property may be included in one certificate.

35.50.070 Procedure—Parties and property included. It shall not be necessary to bring a separate suit for each lot, tract, or parcel of land or other property or for each separate local improvement district, but all or any part of the property upon which local improvement assessments are delinquent under any and all local improvement assessment rolls in the city or town may be proceeded

against in the same action and all or any of the owners or persons interested in any of the property being foreclosed upon may be joined as parties defendant in a single action to foreclose, and all or any liens for such delinquent assessments or installments thereof may be foreclosed in such proceeding.

35.50.080 Procedure—Pleadings and evidence. The certificate of the city or town treasurer the filing of which initiated the foreclosure action shall be prima facie evidence of the regularity and legality of the proceedings and the burden of proof shall be on the defendants.

The persons whose names appear on the rolls as owners of the property shall be considered as the owners thereof for the purpose of foreclosure and if it appears upon the rolls that the owner of any property is unknown, that property shall be proceeded against as belonging to an unknown owner and all persons owning, or claiming to own the property, or who have or claim to have an interest therein, are required to take notice of the proceedings and of all steps thereunder.

35.50.090 Procedure—Summons and service. Upon the filing of the certificate which initiated the foreclosure action, the city or town treasurer with such legal assistance as the council may provide, shall cause a summons to be served by publication in one general notice describing the property as it is described on the assessment rolls. The summons shall require the defendants and each of them to appear and answer it within sixty days from the date of its first publication.

The summons shall be published once each week for four successive weeks in the official newspaper of the city or town or, if it has none, in any weekly newspaper published in the county in which the city or town is situated.

The publication of the summons shall be sufficient service thereof on all persons interested in the property described therein.

35.50.100 Procedure—Trial and Judgment. The action shall be tried before the court without a jury. If the owner or persons interested in any particular lot, tract, or parcel of land or other property included in the foreclosure action suffer a default, the court may enter a judgment of foreclosure and sale as to them and the action may proceed as to the remaining defendants and property.

The judgment shall specify separately the amount of the assessment or installments thereof, including interest, penalty, and costs, chargeable to the several lots, tracts, or parcels of land or other property in the proceeding. The judgment shall have the effect of a separate judgment as to each lot, tract, or parcel described in the judgment, and any appeal from the judgment shall not invalidate or

delay the judgment except as to the property concerning which the appeal is taken.

In entering judgment, the court shall decree that the lots, tracts, or parcels of land or other property be sold by the city or town treasurer to enforce the judgment. Judgment may be entered as to any one or more separate lots, tracts, or parcels involved in the proceeding and the court shall retain jurisdiction as to the balance.

35.50.110 Procedure—Appeals. The laws governing appeals from general tax foreclosure judgments shall apply to appeals from judgments had in a local improvement assessment lien foreclosure action.

35.50.120 Sale. All sales shall be held by the city or town treasurer at the front door of the city or town hall or the building in which the treasurer's office is located. All sales shall be made on Saturday between the hours of nine o'clock in the morning and four o'clock in the afternoon, unless the treasurer's office of the city or town is closed on that day in accordance with law, in which event the sale shall be held on the next preceding business day, and shall continue from day to day, Saturdays, Sundays and holidays excepted, during the same hours until all lots, tracts, or parcels of land or other property are sold.

35.50.130 Sale—Notice. Notice containing a description of the property to be sold shall be given of the time and place where such sale is to take place by publication once each week for two successive weeks in the official newspaper of the city or town, or if it has none, in a weekly newspaper published in the county in which the city or town is situated. The date fixed for the sale shall be not less than ninety days after the first publication of the notice. The notice shall be substantially in the following form:

LOCAL IMPROVEMENT ASSESSMENT SALE

Public notice is hereby given that pursuant to local improvement assessment judgment of the superior court of the county of in the state of Washington, entered the..... day of,, in proceedings for foreclosure of local improvement assessment liens upon real property, as per provisions of law, that I shall on the day of.....,, at o'clock at the front door of the city or town hall (or building in which the city or town treasurer's office is located) in the city or town of in the county of, state of Washington, sell the following described lots, tracts or parcels of land or other property to satisfy the full amount of local improvement assessments, interest, penalty and

costs adjudged to be due thereon together with interest accrued on such assessment to the date of sale and costs of sale as follows to wit:

(Description of property) (Amount due)

In witness whereof, I have hereunto set my hand this.....
day of, Treasurer of,
county of, state of Washington.

35.50.140 Sale—Manner of. At the sale pursuant to a local improvement assessment lien foreclosure each lot, tract, or parcel of land or other property shall be sold to the person offering to pay therefor not less than the full amount of the assessment, interest, penalty, and costs adjudged to be due thereon, and if no such offer is received, shall be sold to the city or town for such amount.

If any bidder to whom any property is stricken off does not pay the amount of his bid before ten o'clock in the morning on the day following the day of its sale, the property shall then be resold, or if the sale has been closed, it shall be deemed to have been sold to the city or town.

Any amount received upon the sale of any lot, tract, or parcel in excess of the amount of the assessment, penalty, interest, and costs adjudged to be due thereon shall be paid by the city or town clerk to the clerk of the superior court for the benefit of the owner of the property.

35.50.150 Sale—Purchaser's title. The purchaser of any lot, tract, or parcel shall take it subject to the lien of all unpaid general taxes and local improvement assessments or installments still outstanding against it.

35.50.160 Sale—Report of. The city or town treasurer shall file with the clerk of the superior court, for deposit with other papers in the foreclosure action, proof of publication of the notice of sale and a report of the sale.

The report of sale shall contain the title and number of the action, a description of each lot, tract, or parcel sold, the amount for which it was sold, the date of the sale thereof, and the name of the purchaser.

35.50.170 Sale—Certificate of purchase—Content. The city or town treasurer shall execute and deliver to each purchaser a certificate of purchase. All lots, tracts, or parcels sold to the city or town on the same day may be included in one certificate of purchase.

The certificate signed by the treasurer shall be dated as of the date of sale, contain the name of the owner as given on the assessment roll, a description of each lot, tract, or parcel and the amount for which it was sold, a brief designation of the improvement for which the assessment was levied, the name of the purchaser, and a

statement that the purchaser, his successor, or assigns will be entitled to a deed at the expiration of the period of redemption allowed by law unless redemption is made.

35.50.180 Sale — Certificate of purchase—Assignment—Recording. A certificate of purchase may be assigned by a written assignment, signed by the assignor and acknowledged in the same manner and before the same officers as provided for deeds. Certificates of purchase and assignments thereof may be recorded in the office of the county auditor of the county wherein the land affected is situated.

35.50.190 Sale—Redemption. Any lot, tract or parcel sold pursuant to the foreclosure of a local improvement assessment lien shall be subject to redemption within two years from date of sale.

Redemption may be made by the persons designated in and shall be governed by the statutes applicable to redemptions from sales under decrees foreclosing mortgages on real property, the city or town treasurer to perform the duties therein imposed upon the sheriff, and the terms "judgment debtor" or "successor in interest" as used in such statutes shall be held to include an owner or a vendee.

35.50.200 Sale—Deed—Form. If the time for redemption from a sale made pursuant to the foreclosure of a local improvement assessment lien has expired without any redemption having been made, the treasurer shall deliver to the purchaser at the sale, his successor or assigns, a local improvement assessment deed. All property to be conveyed to the city or town as a result of the sale may be included in one deed.

The deed shall be substantially in the following form:

LOCAL IMPROVEMENT ASSESSMENT DEED

State of Washington, }
County of..... } ss.

This indenture, made this day of, between as treasurer of the city (or town) of, county, state of Washington, party of the first part, and, party of the second part.

WITNESSETH, that, whereas, at a public sale of real property held on the day of, pursuant to a real property local improvement assessment judgment entered in the superior court in the county of, on the.....

day of _____, in proceedings to foreclose local improvement assessment liens upon real property, the real property hereinafter described was duly sold, and the said party of the second part is now entitled to a deed to said real property.

NOW, THEREFORE, KNOW YE, that the party of the first part, in consideration of the premises and by virtue of the statutes of the state of Washington in such cases provided, does hereby grant and convey unto the party of the second part, his heirs and assigns forever, the following described real property in the county of _____, state of Washington, to wit:

(Here insert description of real property conveyed.)

This deed is subject to the lien of all unpaid general taxes and local improvement assessments, other than the particular installment or installments thereof for which the judgment aforesaid was entered. Given under my hand this _____ day of _____, _____,

Treasurer of _____, county of _____, state of Washington.

35.50.210 Sale—Deed—Validity—Cancellation. A local improvement assessment deed shall be prima facie evidence that the property therein described was assessed according to law, that it was not redeemed and that the person executing the deed was the proper officer. It shall be conclusive evidence of the regularity of all other proceedings from the assessment up to and including the execution of the deed and shall vest in the grantee, his heirs and assigns, fee simple title to the property therein described without further acknowledgment or evidence of the conveyance. The deed shall be recorded in the same manner as other conveyances of real property.

Actions to cancel a local improvement assessment deed or for the recovery of property sold for delinquent local improvement assessments must be brought within three years from the date of the issuance of the deed.

35.50.220 Alternative procedure—Commencement of action. In lieu of the foregoing procedure for foreclosing local improvement assessment liens a city or town may by ordinance authorize and direct the use of an alternative method of proceeding by filing a complaint in the superior court of the county in which the city or town is located. It shall be sufficient to allege in the complaint (1) the passage of the ordinance authorizing the improvement, (2) the making of the improvement, (3) the levying of the assessment, (4) the confirmation thereof, (5) the date of delinquency of the installment or installments of the assessment for the enforcement of which

the action is brought and (6) that they have not been paid prior to delinquency or at all.

35.50.230 Alternative procedure—Parties and property included. In the alternative method of foreclosing local improvement assessment liens, all or any of the lots, tracts, or parcels of land or other property included in the assessment for one local improvement district may be proceeded against in the same action. All persons owning or claiming to own or having or claiming to have any interest in or lien upon the lots, tracts, or parcels involved in the action and all persons unknown who may have an interest or claim of interest therein shall be made defendants thereto.

35.50.240 Alternative procedure—Pleadings and evidence. In the alternative method of foreclosing local improvement assessment liens, the assessment roll and the ordinance confirming it, or duly authenticated copies thereof shall be prima facie evidence of the regularity and legality of the proceedings connected therewith and the burden of proof shall be on the defendants.

35.50.250 Alternative procedure—Summons and service. In the alternative method of foreclosing local improvement assessments, summons and the service thereof shall be governed by the statutes governing the foreclosure of mortgages on real property.

35.50.260 Alternative procedure—Trial and judgment. In the alternative method of foreclosing local improvement assessments the action shall be tried to the court without a jury. If the parties interested in any particular lot, tract, or parcel default, the court may enter judgment of foreclosure and sale as to such parties and lots, tracts, or parcels and the action may proceed as to the remaining defendants and lots, tracts, or parcels. Judgment and order of sale may be entered as to any one or more separate lots, tracts, or parcels involved in the action and the court shall retain jurisdiction to others.

The judgment shall specify separately the amount of the installments with interest, penalty, and costs chargeable to each lot, tract, or parcel. The judgment shall have the effect of a separate judgment as to each lot, tract, or parcel described in the judgment, and any appeal shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. In the judgment the court shall order the lots, tracts, or parcels therein described sold, and an order of sale shall issue pursuant thereto for the enforcement of the judgment.

In all other respects the trial, judgment and order of sale, and appeals to the supreme court shall be governed by the statutes governing the foreclosure of mortgages on real property.

35.50.270 Alternative procedure — Sale — Redemption—Deed. In the alternative method of foreclosing local improvement assessments, all sales shall be subject to the right of redemption within two years from the date of sale. In all other respects, the sale, redemption and issuance of deed shall be governed by the statutes governing the foreclosure of mortgages on real property and the terms “judgment debtor” and “successor in interest” as used in such statutes shall be held to include an owner or a vendee.

Chapter 35.53

LOCAL IMPROVEMENTS—DISPOSITION OF PROPERTY ACQUIRED

35.53.010 Property to be held in trust—Taxability. Property bid in by the city or town or struck off to it pursuant to proceedings for the foreclosure of local improvement assessment liens shall be held in trust by the city or town for the fund of the improvement district for the benefit of which the property was sold. Any property so held in trust shall be exempt from taxation for general state, county and municipal purposes during the period that it is so held.

35.53.020 Discharge of trust. The city or town may relieve itself of its trust relation to a local improvement district fund as to any lot, tract, or parcel of property by paying into the fund the amount of the delinquent assessment for which the property was sold and all accrued interest, together with interest to the time of the next call of bonds or warrants against the fund at the rate provided thereon. Upon such payment the city or town shall hold the property discharged of the trust.

35.53.030 Sale or lease of trust property. A city or town may lease or sell and convey any such property held in trust by it, by virtue of the conveyance thereof to it by a local improvement assessment deed. The sale may be public or private and for such price and upon such terms as may be determined by resolution of the council, any provisions of law, charter, or ordinance to the contrary notwithstanding. After first reimbursing any funds which may have advanced moneys on account of any lot, tract, or parcel, all proceeds resulting from lease or sale thereof shall ratably belong and be paid into the funds of the local improvement concerned.

35.53.040 Termination of trust in certain property. A city or town which has heretofore acquired or hereafter acquires any property through foreclosure of delinquent assessments for local improvements initiated or proceedings commenced before June 8, 1927, may terminate its trust therein by an action in the superior

court, if all the bonds and warrants outstanding in the local improvement district in which the assessments were levied are delinquent.

35.53.050 Same—Complaint—Allegations. The complaint in any such action by a city or town to terminate its trust in property acquired at a local improvement assessment sale shall set forth:

- (1) The number of the local improvement district,
- (2) The bonds and warrants owing thereby,
- (3) The owners thereof or that the owners are unknown,
- (4) A description of the assets of the district with the estimated value thereof,
- (5) The amount of the assessments, including penalty and interest, of any other local improvement districts which are a lien upon the same property,
- (6) The amount of the bonds and warrants owing by such other districts and the names of the owners thereof unless they are unknown, except where the bonds and warrants are guaranteed by a local improvement guaranty fund or pursuant to any other form of guaranty authorized by law.

35.53.060 Same—Property—Parties—Summons. Two or more delinquent districts and all property, bonds and warrants therein may be included in one action to terminate the trust.

All persons owning any bonds or warrants of the districts involved in the action or having an interest therein shall be made parties defendant except in cases where the bonds or warrants are guaranteed by a local improvement guaranty fund or pursuant to any other form of guaranty authorized by law.

Summons shall be served as in other actions. Unknown owners and unknown parties shall be served by publication.

35.53.070 Same—Receivership—Regulations. In such an action the court after acquiring jurisdiction shall proceed as in the case of a receivership except that the city or town shall serve as trustee in lieu of a receiver.

The assets of the improvement districts involved shall be sold at such prices and in such manner as the court may deem advisable and be applied to the costs and expenses of the action and the liquidation of the bonds and warrants of the districts.

No notice to present claims other than the summons in the action shall be necessary. Any claim presented shall be accompanied by the bonds and warrants upon which it is based. Dividends upon any bonds or warrants for which no claim was filed shall be paid into the general fund of the city or town, but the owner thereof may obtain it at any time within five years thereafter upon surrender and cancellation of his bonds and warrants.

Upon the termination of the receivership the city or town shall be discharged from all trusts relating to the property, funds, bonds, and warrants involved in the action.

Chapter 35.54

LOCAL IMPROVEMENTS—GUARANTY FUND

35.54.010 Establishment. There is established in every city and town a fund to be designated the "local improvement guaranty fund" for the purpose of guaranteeing, to the extent of the fund, the payment of its local improvement bonds and warrants issued to pay for any local improvement ordered: (1) In any city of the first class having a population of more than three hundred thousand, subsequent to June 8, 1927; (2) in any city or town having created and maintained a guaranty fund under chapter 141, Laws of 1923, subsequent to the date of establishment of such fund; and (3) in any other city or town subsequent to April 7, 1926: *Provided*, That this shall not apply to any city of the first class which maintains a local improvement guaranty fund under chapter 138, Laws of 1917, but any such city maintaining a guaranty fund under chapter 138, Laws of 1917 may by ordinance elect to operate under the provisions of this chapter and may transfer to the guaranty fund created hereunder all the assets of the former fund and, upon such election and transfer, all bonds guaranteed under the former fund shall be guaranteed under the provisions of this chapter.

35.54.020 Rules and regulations. Every city and town operating under the provisions of this chapter shall prescribe by ordinance appropriate rules and regulations for the maintenance and operation of the guaranty fund not inconsistent with the provisions of this chapter.

35.54.030 Source—Interest and earnings. Interest and earnings from the local improvement guaranty fund shall be paid into the fund.

35.54.040 Source—Subrogation rights to assessments. Whenever any sum is paid out of the local improvement guaranty fund on account of principal or interest of a local improvement bond or warrant, the city or town as trustee of the fund shall be subrogated to all the rights of the holder of the bond or interest coupon or warrant so paid, and the proceeds thereof, or of the underlying assessment, shall become part of the guaranty fund.

35.54.050 Source—Surplus from improvement funds. If in any local improvement fund guaranteed by a local improvement guaranty fund there is a surplus remaining after the payment of all out-

standing bonds and warrants payable therefrom, it shall be paid into the local improvement guaranty fund.

35.54.060 Source—Taxation. For the purpose of maintaining the local improvement guaranty fund, every city and town shall, at the time of making its annual budget and tax levy, provide for the levy of a sum sufficient, with the other sources of the fund, to pay the warrants issued against the fund during the preceding fiscal year and to establish a balance therein: *Provided*, That the levy in any one year shall not exceed five percent of the outstanding obligations guaranteed by the fund.

The taxes levied for the maintenance of the local improvement guaranty fund shall be additional to and, if need be, in excess of all statutory and charter limitations applicable to tax levies in any city or town.

35.54.070 Use of fund—Purchase of bonds, coupons and warrants. Defaulted bonds, interest coupons and warrants against local improvement funds shall be purchased out of the guaranty fund, and as between the several issues of bonds, coupons, or warrants no preference shall exist, but they shall be purchased in the order of their presentation.

35.54.080 Use of fund—Purchase of general tax certificates or property on or after foreclosure—Disposition. For the purpose of protecting the guaranty fund, so much of the guaranty fund as is necessary may be used to purchase certificates of delinquency for general taxes on property subject to local improvement assessments which underlie the bonds, coupons, or warrants guaranteed by the fund, or to purchase such property at county tax foreclosures, or from the county after foreclosure.

The city or town, as trustee of the fund, may foreclose the lien of general tax certificates of delinquency and purchase the property at foreclosure sale; when doing so the court costs, costs of publication, expense for clerical work and other expenses incidental thereto shall be charged to and paid from the local improvement guaranty fund.

After acquiring title to property by purchase at general tax foreclosure sale or from the county after foreclosure, a city or town may lease it or sell it at public or private sale at such price on such terms as may be determined by resolution of the council. All proceeds shall belong to and be paid into the local improvement guaranty fund.

35.54.090 Warrants against fund. Warrants drawing interest at a rate not to exceed six percent shall be issued against the local

improvement guaranty fund to meet any liability accruing against it. The warrants so issued shall at no time exceed five percent of the outstanding obligations guaranteed by the fund.

Chapter 35.55

LOCAL IMPROVEMENTS—FILLING LOWLANDS

35.55.010 Authority—Second and third class cities. If the city council of any city of the second and third class deems it necessary or expedient on account of the public health, sanitation, the general welfare, or other cause, to fill or raise the grade of any marshlands, swamplands, tidelands, shorelands, or lands commonly known as tideflats, or any other lowlands situated within the limits of the city, and to clear and prepare the lands for such filling, it may do so and assess the expense thereof, including the cost of making compensation for property taken or damaged, and all other costs and expense incidental to such improvement, to the property benefited, except such amount of such expense as the city council may direct to be paid out of the current or general expense fund.

If, in the judgment of the city council the special benefits for any such improvement shall extend beyond the boundaries of the filled area, the council may create an enlarged district which shall include, as near as may be, all the property, whether actually filled or not, which will be specially benefited by such improvement, and in such case the council shall specify and describe the boundaries of such enlarged district in the ordinance providing for such improvement and shall specify that such portion of the total cost and expense of such improvement as may not be borne by the current or general expense fund, shall be distributed and assessed against all the property of such enlarged district.

35.55.020 Alternative methods of financing. If the city council desires to make any improvement authorized by the provisions of this chapter it shall provide therefor by ordinance and unless the ordinance provides that the improvement shall be paid for wholly or in part by special assessments upon the property benefited, compensation therefor shall be made from any general funds of the city applicable thereto. If the ordinance provides that the improvement shall be paid for wholly or in part by special assessments upon property benefited, the proceedings for the making of the special assessments shall be as hereinafter provided.

35.55.030 Boundaries—Excepted property. Such ordinance shall specify the boundaries of the proposed improvement district and shall describe the lands which it is proposed to assess for said improvement. If any parcel of land within the boundaries of such

proposed improvement district has been wholly filled to the proposed grade elevation of the proposed fill, such parcel of land may be excluded from the lists of lands to be assessed, when in the opinion of the city council justice and equity require its exclusion. The boundaries of any improvement district may be altered so as to exclude land therefrom at any time up to the levying of the assessment but such changing of the boundaries shall be by ordinance.

35.55.040 Damages—Eminent domain. If an ordinance has been passed as in this chapter provided, and it appears that in making of the improvement so authorized, private property will be taken or damaged thereby, the city shall file a petition in the superior court of the county in which such city is situated, in the name of the city, praying that just compensation to be made for the property to be taken or damaged for the improvement specified in the ordinance be ascertained, and conduct proceedings in eminent domain in accordance with the statutes relating to cities for the ascertainment of the compensation to be made for the taking and damaging of property, except insofar as the same may be inconsistent with this chapter.

The filling of unimproved and uncultivated lowlands of the character mentioned in RCW 35.55.010 shall not be considered as damaging or taking of such lands. The damage if any, done to cultivated lands or growing crops thereon, or to buildings and other improvements situated within the district proposed to be filled, shall be ascertained and determined in the manner above provided; but no damage shall be awarded to any property owner for buildings or improvements placed upon lands included within said district after the publication of the ordinance defining the boundaries of the proposed improvement district: *Provided*, That the city shall after the passage of such ordinance, proceed with said improvement with due diligence. If the improvement is to be made at the expense of the property benefited, no account shall be taken of benefits by the jury or court in assessing the amount of compensation to be made to the owner of any property within such district, but such compensation shall be assessed without regard to benefits to the end that said property for which damages may be so awarded, may be assessed the same as other property within the district for its just share and proportion of the expense of making said improvement, and the fact that compensation has been awarded for the damaging or taking of any parcel of land shall not preclude the assessment of such parcel of land for its just proportion of said improvement.

35.55.050 Estimates—Plans and specifications. At the time of the initiation of the proceedings for any improvement as contem-

plated by this chapter, or at any time afterward, the city council shall cause plans and specifications for said improvement to be prepared and shall cause an estimate to be made of the cost and expense of making said improvement, including the cost of supervision and engineering, abstractor's fees, interest and discounts and all other expenses incidental to said improvement, including an estimate of the amount of damages for property taken or damaged, which plans, specifications and estimates shall be approved by the city council.

35.55.060 Assessment roll—Items—Assessment units—Installments. When such plans and specifications have been prepared and the estimates of the cost and expense of making the improvement have been adopted by the council and when an estimate has been made of the compensation to be paid for property damaged or taken, either before or after the compensation has been ascertained in the eminent domain proceedings, the city council shall cause an assessment roll to be prepared containing a list of all of the property within the improvement district which it is proposed to assess for the improvement, together with the names of the owners, if known, and if unknown the property shall be assessed to an unknown owner, and opposite each description shall be set the amount assessed to such description.

When so ordered by the council, the entire amount of compensation paid or to be paid for property damaged or taken, including all of the costs and expenses incidental to the condemnation proceedings together with the entire cost and expense of making the improvement, may be assessed against the property within the district subject to assessment, but the council may order any portion of the costs paid out of the current or general expense fund of the city.

The assessments shall be made according to and in proportion to surface area one square foot of surface to be the unit of assessment, except that the several parcels of land in any enlarged district not actually filled shall be assessed in accordance with special benefits: *Provided*, That where any parcel of land was partially filled by the owner prior to the initiation of the improvement, an equitable deduction for such partial filling may be allowed.

The cost and expense incidental to the filling of the streets, alleys and public places within such assessment district shall be borne by the private property within such district subject to assessment when so ordered by the council. When the assessments are payable in installments, the assessment roll when equalized, shall show the number of installments and the amounts thereof. The assessments may be made payable in any number of equal annual installments not exceeding ten in number.

35.55.070 Hearing on assessment roll—Notice—Council's authority. When such assessment roll has been prepared it shall be filed in the office of the city clerk and thereupon the city clerk shall give notice by publication in at least three issues of the official paper that such roll is on file in his office and that at a date mentioned in said notice, which shall be at least twenty days after the date of the first publication thereof, the city council will sit as a board of equalization to equalize said roll and to hear, consider and determine protests and objections against the same.

At the time specified in the notice, the city council shall sit as a board of equalization to equalize the roll and they may adjourn the sitting from time to time until the equalization of such roll is completed. The city council as board of equalization may hear, consider and determine objections and protests against any assessment and may make such alterations and modifications in the assessment roll as justice and equity may require.

35.55.080 Hearings—Appeals. Any person who has made objections to the assessment as equalized, shall have the right to appeal from the equalization as made by the city council to the superior court of the county. The appeal shall be made by filing a written notice of appeal with the city clerk within ten days after the equalization of the assessments by the council. The notice of appeal shall describe the property and the objections of such appellant to such assessment.

The appellant shall also file with the clerk of the superior court within ten days from the time of taking the appeal a copy of the notice of appeal together with a copy of the assessment roll and proceedings thereon, certified by the city clerk and a bond to the city conditioned to pay all costs that may be awarded against appellant in such sum not less than two hundred dollars and with such security as shall be approved by the clerk of the court.

The case shall be docketed by the clerk of the court in the name of the person taking the appeal as plaintiff and the city as defendant. The cause shall then be at issue and shall be tried immediately by the court as in the case of equitable causes; no further pleadings shall be necessary. The judgment of the court shall be either to confirm, modify or annul the assessment insofar as the same affects the property of the appellant. Appeal shall lie to the supreme court as in other causes.

35.55.090 Lien—Collection of assessments. From and after the equalization of the roll, the several assessments therein shall become a lien upon the real estate described therein and shall remain a lien until paid. The assessment lien shall take precedence of all other liens against such property, except the lien of general taxes. The

assessments shall be collected by the same officers and enforced in the same manner as provided by law for the collection and enforcement of local assessments for street improvements. All of the provisions of laws and ordinances relative to the enforcement and collection of local assessments for street improvements shall be applicable to these assessments.

35.55.100 Interest on assessments. The local assessments shall bear interest at such rate as may be fixed by the council, not exceeding the rate of eight percent per annum from and after the expiration of thirty days after the equalization of the assessment roll and shall bear such interest after delinquency as may be provided by general ordinance of the city.

35.55.110 Payment of cost of improvement—Interest on warrants. If the improvement contemplated by this chapter is ordered to be made upon the immediate payment plan, the city council shall provide for the payment thereof by the issuance of local improvement fund warrants against the local improvement district, which warrants shall be paid only out of the funds derived from the local assessments in the district and shall bear interest at the rate of eight percent per annum from date of issuance. If the improvement is ordered to be made upon the bond installment plan, the city council shall provide for the issuance of bonds against the improvement district.

35.55.120 Local improvement bonds—Terms. The city council shall have full authority to provide for the issuance of bonds against the improvement district fund in such denominations as the city council may provide which shall bear such rate of interest as the city council may fix, not exceeding, however, eight percent per annum. Interest shall be paid annually and the bonds shall become due and payable at such time, not exceeding ten years from the date thereof, as may be fixed by the council and shall be payable out of the local assessment district fund.

If so ordered by the council, the bonds may be issued in such a way that different numbers of the bonds may become due and payable at different intervals of time, or they may be so issued that all of the bonds against said district mature together.

35.55.130 Local improvement bonds—Guaranties. The city may guarantee the payment of the whole or any part of the bonds issued against a local improvement district, but the guaranties on the part of the city, other than a city operating under the council-manager form or the commission form, shall be made only by ordinance passed by the vote of not less than nine councilmen and the approval of the mayor in cities of the second class, and six council-

men and approval of the mayor in cities of the third class. In a city under the council-manager form of government, such guaranties shall be made only in an ordinance passed by a vote of three out of five or five out of seven councilmen, as the case may be, and approval of the mayor. In a city under the commission form of government, such guaranties shall be made only in an ordinance passed by a vote of two out of three of the commissioners. The mayor's approval shall not be necessary in commission form cities.

35.55.140 Local improvement bonds and warrants—Sale to pay damages, preliminary financing. The city council may negotiate sufficient warrants or bonds against any local improvement district at a price not less than ninety-five percent of their par value to raise sufficient money to pay any and all compensation which may be awarded for property damaged or taken in the eminent domain proceedings including the costs of such proceedings. In lieu of so doing, the city council may negotiate current or general expense fund warrants at par to raise funds for the payment of such compensation and expenses in the first instance, but in that event the current or general expense fund shall be reimbursed out of the first moneys collected in any such local assessment district or realized from the negotiation or sale of local improvement warrants or bonds.

35.55.150 Local improvement fund—Investment. If money accumulates in an improvement fund and is likely to lie idle awaiting the maturity of the bonds against the district, the city council, under proper safeguards, may invest it temporarily, or may borrow it temporarily, at a reasonable rate of interest, but when so invested or borrowed, the city shall be responsible and liable for the restoration to such fund of the money so invested or borrowed with interest thereon, whenever required for the redemption of bonds maturing against such district.

35.55.160 Letting contract for improvement—Excess or deficiency of fund. The contract for the making of the improvement may be let either before or after the making up of the equalization of the assessment roll, and warrants, or bonds may be issued against the local improvement district fund either before or after the equalization of the roll as in the judgment of the council may best subserve the public interest.

If, after the assessment roll is made up and equalized, based in whole or in part upon an estimate of the cost of the improvement, and it is found that the estimate was too high, the excess shall be rebated pro rata to the property owners on the assessment roll, the rebates to be deducted from the last installment, or installments, when the assessment is upon the installment plan.

If it is found that the estimated cost was too low and that the actual bona fide cost of the improvement is greater than the estimate, the city council, after due notice and a hearing, as in case of the original equalization of the roll, may add the required additional amount to the assessment roll to be apportioned among the several parcels of property upon the same rules and principles as if it had been originally included, except that the additional amount shall be added to the last installment of an assessment if assessments are payable upon the installment plan. The same notice shall be required for adding to the assessment roll in this manner as is required for the original equalization of the roll, and the property owner shall have the right of appeal.

35.55.170 Payment of contractor—Bonds, warrants, cash. The city council may provide in letting the contract for an improvement, that the contractor shall accept special fund warrants or local improvement bonds against the local improvement district within which such improvement is to be made, in payment for the contract price of the work, and that the warrants or bonds may be issued to the contractor from time to time as the work progresses, or the city council may negotiate the special fund warrants or bonds against the local improvement district at not less than ninety-five cents in money for each dollar of warrants or bonds, and with the proceeds pay the contractor for the work and pay the other costs of such improvement.

35.55.180 Reassessments. If any assessment is found to be invalid for any cause or if it is set aside for any reason in judicial proceeding, a reassessment may be made and all laws relative to the reassessment of local assessments, for street or other improvements, shall, as far as practicable, be applicable hereto.

35.55.190 Provisions of chapter not exclusive. The provisions of this chapter shall not be construed as repealing or in any wise affecting any existing laws relative to the making of any such improvements, but shall be considered as concurrent therewith.

Chapter 35.56

LOCAL IMPROVEMENTS—FILLING AND DRAINING LOWLANDS—WATERWAYS

35.56.010 Authority—First, second and third class cities. If the city council or commission of any city of the first, second or third class in this state deems it necessary or expedient on account of the public health, sanitation, the general welfare, or other cause, to fill or raise the grade or elevation of any marshlands, swamp-

lands, tidelands or lands commonly known as tideflats, or any other lands situated within the limits of such city and to clear and prepare said lands for such filling it may do so by proceeding in accordance with the provisions of this chapter.

For the purpose of filling and raising the grade or elevation of such lands and to secure material therefor and to provide for the proper drainage thereof after such fill has been effected, the city council or commission may acquire rights of way (and where necessary or desirable, may vacate, use and appropriate streets and alleys for such purposes) and lay out, build, construct and maintain over and across such lowlands, canals or artificial waterways of at least sufficient width, depth and length to provide and afford the quantity of earth, dirt and material required to complete such fill, and with the earth, dirt and material removed in digging and constructing such canals and waterways, fill and raise the grade or elevation of such marshlands, swamplands, tidelands or tideflats; and such canals or waterways shall be constructed of such width and depth (provided that all the earth, dirt and other suitable material removed in constructing the same shall be used to fill the lowlands as herein provided) as will make them available, convenient and suitable to provide water frontage for landings, wharves and other conveniences of navigation and commerce for the use and benefit of the city and the public. If canals or waterways are to be constructed as herein provided, such city may construct and maintain the necessary bridges over and across the same; such canals or waterways shall be forever under the control of such city and shall be and become public thoroughfares and waterways for the use and benefit of commerce, shipping, the city and the public generally.

The expense of making such improvement and in doing, accomplishing and effecting all the work provided for in this chapter including the cost of making compensation for property taken or damaged, and all other cost and expense incidental to such improvement, shall be assessed to the property benefited, except such amount of such expense as the city council or commission, in its discretion, may direct to be paid out of the current or general expense fund.

35.56.020 Alternative methods of financing. If the city council or commission desires to make any improvement authorized by the provisions of this chapter it shall provide therefor by ordinance and unless the ordinance provides that the improvement shall be paid for wholly or in part by special assessment upon the property benefited, compensation therefor shall be made from any general or special funds of the city applicable thereto. If the ordinance

provides that the improvement shall be paid for wholly or in part by special assessments upon property benefited, the proceedings for the making of such special assessment shall be as hereafter provided.

35.56.030 Boundaries—Excepted property. Such ordinance shall specify the boundaries of the proposed improvement district and shall describe the lands which it is proposed to assess for said improvement, and shall provide for the filling of such lowlands and shall outline the general scheme or plan of such fill. If any parcel of land within the boundaries of such proposed improvement district prior to the initiation of the improvement has been wholly filled to the proposed grade or elevation of the proposed fill, such parcel of land may be excluded from the lands to be assessed when in the opinion of the city council or commission justice and equity require its exclusion. The boundaries of any improvement district may be altered so as to exclude land therefrom at any time up to the levying of the assessment but such changing of the boundaries shall be by ordinance.

35.56.040 Conditions precedent to passage of ordinance—Protests. Upon the introduction of an ordinance providing for such fill, if the city council or commission desires to proceed, it shall fix a time, not less than ten days, in which protests against said fill may be filed in the office of the city clerk. Thereupon it shall be the duty of the clerk of said city to publish in the official newspaper of said city in at least two consecutive issues thereof before the time fixed for the filing of protests, a notice of the time fixed for the filing of protests together with a copy of the proposed ordinance as introduced.

Protests against the proposed fill to be effective must be filed by the owners of more than half of the area of land situated within the proposed filling district exclusive of streets, alleys and public places on or before the date fixed for such filing. If an effective protest is filed the council shall not proceed further unless two-thirds of the members of the city council vote to proceed with the work; if the city is operating under a commission form of government composed of three commissioners, the commission shall not proceed further except by a unanimous affirmative vote of all the members thereof, if the commission is composed of five members, at least four affirmative votes thereof shall be necessary before proceeding.

If no effective protest is filed or if an effective protest is filed and two-thirds of the councilmen vote to proceed with the work or in cases where cities are operating under the commission form of government, the commissioners vote unanimously or four out of five commissioners vote to proceed with the work, the city council

or commission shall at such meeting or in a succeeding meeting proceed to pass the proposed ordinance for the work, with such amendments and modifications as to the said city council or commission of said city may seem proper. The local improvement district shall be called "filling district No."

35.56.050 Damages—Eminent domain. If an ordinance is passed as in this chapter provided, and it appears that in making of the improvements so authorized, private property will be taken or damaged thereby within or without the city, the city shall file a petition in the superior court of the county in which such city is situated, in the name of the city, praying that just compensation be made for the property to be taken or damaged for the improvement specified in the ordinance and conduct proceedings in eminent domain in accordance with the statutes relating to cities for the ascertainment of the compensation to be made for the taking and damaging of property, except insofar as the same may be inconsistent with this chapter.

The filling of unimproved and uncultivated lowlands of the character mentioned in RCW 35.56.010 shall not be considered as a damaging or taking of such lands. The damage, if any, done to cultivated lands or growing crops thereon, or to buildings and other improvements situated within the district proposed to be filled shall be ascertained and determined in the manner above provided; but no damage shall be awarded to any property owner for buildings or improvements placed upon lands included within said district after the publication of the ordinance defining the boundaries of the proposed improvement district: *Provided*, That the city shall, after the passage of such ordinance, proceed with said improvement with due diligence.

If the improvement is to be made at the expense of the property benefited, no account shall be taken of benefits by the jury or court in assessing the amount of compensation to be made to the owner of any property within such district, but such compensation shall be assessed without regard to benefits to the end that said property for which damages may be so awarded, may be assessed the same as other property within the district for its just share and proportion of the expense of making said improvement, and the fact that compensation has been awarded for the damaging or taking of any parcel of land shall not preclude the assessment of such parcel of land for its just proportion of said improvement.

35.56.060 Estimates—Plans and specifications. At the time of the initiation of the proceedings for any improvement as contemplated by this chapter or at any time afterward, the city council or commission shall cause plans and specifications for said improve-

ment to be prepared and shall cause an estimate to be made of the cost and expense of making said improvement, including the cost of supervision and engineering, abstractor's fees, interest and discounts and all other expenses incidental to said improvement, including an estimate of the amount of damages for property taken or damaged, which plans, specifications and estimates shall be approved by the city council or commission.

35.56.070 Assessment roll—Items—Assessment units—Installments. When such plans and specifications shall have been prepared and the estimate of the cost and expense of making the improvement has been adopted by the council or commission and when an estimate has been made of the compensation to be paid for property damaged or taken, either before or after the compensation has been ascertained in the eminent domain proceedings, the city council or commission shall cause an assessment roll to be prepared containing a list of all the property within the improvement district which it is proposed to assess for the improvements together with the names of the owners, if known, and if unknown, the property shall be assessed to an unknown owner, and opposite each description shall be set the amount assessed to such description.

When so ordered by the city council or commission, the entire amount of compensation paid or to be paid for property damaged or taken, including all of the costs and expenses incidental to the condemnation proceedings together with the entire cost and expense of making the improvement may be assessed against the property within the district subject to assessment, but the city council or commission may order any portion of the costs paid out of the current or general expense fund of the city. The assessments shall be made according to and in proportion to surface area, one square foot of surface to be the unit of assessment: *Provided*, That where any parcel of land was wholly or partially filled by the owner prior to the initiation of the improvement an equitable deduction for such filling or partial filling may be allowed.

The cost and expense incidental to the filling of the streets, alleys and public places within said assessment district shall be borne by the private property within such district subject to assessment when so ordered by the city council or commission. When the assessments are payable in installments, the assessment roll when equalized shall show the number of installments and the amounts thereof. The assessment may be made payable in any number of equal annual installments not exceeding fifteen in number.

35.56.080 Hearing on assessment roll—Notice—Council's authority. When such assessment roll has been prepared it shall be filed in the office of the city clerk and thereupon the city clerk shall give

notice by publication in at least three issues of the official paper that such roll is on file in his office and on a date mentioned in said notice, which shall be at least twenty days after the date of the first publication thereof, the city council or commission will sit as a board of equalization to equalize said roll and to hear, consider and determine protests and objections against the same.

At the time specified in the notice, the city council or commission shall sit as a board of equalization to equalize the roll and they may adjourn the sitting from time to time until the equalization of such roll is completed. The city council or commission as such board of equalization may hear, consider and determine objections and protests against any assessment and make such alterations and modifications in the assessment roll as justice and equity may require.

35.56.090 Hearing—Appeals. Any person who has made objections to the assessment as equalized, shall have the right to appeal from the equalization as made by the city council or commission to the superior court of the county. The appeal shall be made by filing a written notice of appeal with the city clerk within ten days after the equalization of the assessments by the council or commission. The notice of appeal shall describe the property and the objections of such appellant to such assessment.

The appellant shall also file with the clerk of the superior court within ten days from the time of taking the appeal a copy of the notice of appeal together with a copy of the assessment roll and proceedings thereon, certified by the city clerk and a bond to the city conditioned to pay all costs that may be awarded against appellant in such sum not less than two hundred dollars, and with such security as shall be approved by the clerk of the court.

The case shall be docketed by the clerk of the court in the name of the person taking the appeal as plaintiff, and the city as defendant. The cause shall then be at issue and shall be tried immediately by the court as in the case of equitable causes; no further pleadings shall be necessary. The judgment of the court shall be either to confirm, modify or annul the assessment insofar as the same affects the property of the appellant. An appeal shall lie to the supreme court as in other causes.

35.56.100 Lien—Collection of assessments. From and after the equalization of the roll, the several assessments therein shall become a lien upon the real estate described therein and shall remain a lien until paid. The assessment lien shall take precedence of all other liens against such property, except the lien of general taxes. The assessments shall be collected by the same officers and enforced in the same manner as provided by law for the collection and en-

forcement of local assessments for street improvements. All of the provisions of laws and ordinances relative to the guaranty, enforcement, and collection of local assessments for street improvements, including foreclosure in case of delinquency, shall be applicable to these assessments.

35.56.110 Interest on assessments. The local assessments shall bear interest at such rate as may be fixed by the council or commission, not exceeding the rate of eight percent per annum from and after the expiration of thirty days after the equalization of the assessment roll and shall bear such interest after delinquency as may be provided by general ordinance of the city.

35.56.120 Payment of cost of improvement—Interest on warrants. If the improvement contemplated by this chapter is ordered to be made upon the immediate payment plan, the city council or commission shall provide for the payment thereof by the issuance of local improvement fund warrants against the local improvement district, which warrants shall be paid only out of the funds derived from the local assessments in the district and shall bear interest at the rate of eight percent per annum from date of issuance. If the improvement is ordered to be made upon the bond installment plan the city council or commission shall provide for the issuance of bonds against the improvement district.

35.56.130 Local improvement bonds—Terms. The city council or commission shall have full authority to provide for the issuance of such bonds against the improvement district fund in such denominations as the city council or commission may provide, which shall bear such rate of interest as the city council or commission may fix, not exceeding, however, eight percent per annum. Interest shall be paid annually and the bonds shall become due and payable at such time, not exceeding fifteen years from the date thereof, as may be fixed by the said council or commission and shall be payable out of the assessment district funds.

If so ordered by the council or commission, the bonds may be issued in such a way that different numbers of the bonds may become due and payable at different intervals of time, or they may be so issued that all of the bonds against said district mature together. The city may reserve the right to call or mature any bond on any interest paying date when sufficient funds are on hand for its redemption; but bonds shall be called in numerical order.

35.56.140 Local improvement bonds—Guaranties. The city may guarantee the payment of the whole or any part of the bonds issued against a local improvement district, but the guaranties on the part of the city shall be made only by ordinance passed by the vote of

not less than two-thirds of the councilmen and the approval of the mayor, or three commissioners in case the governing body consist of three commissioners, or four where such city is governed by five commissioners.

35.56.150 Local improvement bonds and warrants—Sale to pay damages—Preliminary financing. The city council or commission may negotiate sufficient warrants or bonds against any local improvement district at a price not less than ninety-five percent of their par value to raise sufficient money to pay any and all compensation which may be awarded for property damaged or taken in the eminent domain proceedings, including the costs of such proceedings. In lieu of so doing, the city council or commission may negotiate current or general expense fund warrants at par to raise funds for the payment of such compensation and expenses in the first instance, but in that event the current or general expense fund shall be reimbursed out of the first moneys collected in any such local assessment district or realized from the negotiation or sale of local improvement warrants or bonds.

35.56.160 Local improvement fund—Investment. If money accumulates in an improvement fund and is likely to lie idle waiting the maturity of the bonds against the district, the city council or commission, under proper safeguards, may invest it temporarily, or may borrow it temporarily, at a reasonable rate of interest, but when so invested or borrowed, the city shall be responsible and liable for the restoration to such fund of the money so invested or borrowed with interest thereon, whenever required for the redemption of bonds maturing against such district.

35.56.170 Letting contracts for improvement—Excess or deficiency of fund. The contract for the making of the improvement may be let either before or after the making up of the equalization of the assessment roll, and warrants or bonds may be issued against the local improvement district fund either before or after the equalization of the roll as in the judgment of the council or commission may best subserve the public interest.

If after the assessment roll is made up and equalized, based in whole or in part upon an estimate of the cost of the improvement, and it is found that the estimate was too high, the excess shall be rebated pro rata to the property owners on the assessment roll, the rebates to be deducted from the last installment, or installments, when the assessment is upon the installment plan.

If it is found that the estimated cost was too low and that the actual bona fide cost of the improvement is greater than the estimate, the city council or commission after due notice and a hear-

ing, as in case of the original equalization of the roll, may add the required additional amount to the assessment roll to be apportioned among the several parcels of property upon the same rules and principles as if it had been originally included except that the additional amount shall be added to the last installment of an assessment if assessments are payable upon the installment plan. The same notice shall be required for adding to the assessment roll in this manner as is required for the original equalization of the roll, and the property owner shall have the right of appeal.

35.56.180 Payment of contractor—Bonds—Warrants—Cash. The city council or commission may provide in letting the contract for an improvement, that the contractor shall accept special fund warrants or local improvement bonds against the local improvement district within which such improvement is to be made, in payment for the contract price of the work, and that the warrants or bonds may be issued to the contractor from time to time as the work progresses, or the city council or commission may negotiate the special fund warrants or bonds against the local improvement district at not less than ninety-five cents in money for each dollar of warrants or bonds, and with the proceeds pay the contractor for the work and pay the other costs of such improvement.

35.56.190 Tax levy—General—Purposes—Limit. 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 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.

35.56.200 Waterways constructed—Requirements. In the filling of any marshland, swampland, tideland or tideflats no canal or waterway shall be constructed in connection therewith less than three hundred feet wide at the top between the shore lines and with sufficient slope to the sides or banks thereof to as nearly as practicable render bulkheadings or other protection against caving or falling in of said sides or banks unnecessary and of sufficient depth to meet all ordinary requirements of navigation and commerce.

35.56.210 Waterways constructed—Control. The canal or waterway shall be and remain under the control of the city and immediately upon its completion the city shall establish outer dock lines lengthwise of said canal or waterway on both sides thereof in such manner and position that not less than two hundred feet of the width thereof shall always remain open between such lines and beyond and between which lines no right shall ever be granted to build wharves or other obstructions except bridges; nor shall any permanent obstruction to the free use of the channel so laid out between said wharf or dock lines excepting bridges, their approaches, piers, abutments and spans, ever be permitted but the same shall be kept open for navigation.

35.56.220 Waterways constructed—Leasing facilities. The city shall have the right to lease the area so created between the said shore lines and the wharf lines so established or any part, parts or parcels thereof during times when the use thereof is not required by the city, for periods not exceeding thirty years, to private individuals or concerns for wharf, warehouse or manufacturing purposes at such annual rate or rental per lineal foot of frontage on the canal or waterway as it may deem reasonable.

The rates of wharfage, and other charges to the public which any lessee may impose shall be reasonable; and the city council or commission may regulate such rates. The lease so granted by the city shall never be transferred or assigned without the consent of the city council or commission having been first obtained.

A city shall never lease to any individual or concern more than four hundred lineal feet of frontage of the area lying between the shore lines and the dock lines and no individual or concern shall ever hold or occupy by lease, sublease or otherwise more than the said four hundred lineal feet of frontage of such area: *Provided*, That any individual or concern may acquire by lease or sublease whatever additional number of lineal feet of frontage of such area may in the judgment of the city council or commission be necessary for the use of such individual or concern, upon petition therefor to the city council or commission signed by not less than five hundred resident freeholders of the city.

35.56.230 Waterway shoreline front—Lessee must lease abutting property. If the city owns the land abutting upon any part of the area between the shore lines and dock lines, no portion of the area which has city owned property abutting upon it shall ever be leased unless an equal frontage of the abutting property immediately adjoining it is leased at the same time for the same period to the same individual or concern.

35.56.240 Waterways constructed—Acquisition of abutting property. While acquiring the rights of way for such canals or waterways or at any time thereafter, such city may acquire for its own use and public use by purchase, gift, condemnation or otherwise, and pay therefor by any lawful means including but not restricted to payment out of the current expense fund of such city or by bonding the city or by pledging revenues to be derived from rents and issues therefrom, lands abutting upon the shore lines or right-of-way of such canals or waterways to a distance, depth or width of not more than three hundred feet back from the banks or shore lines of such canals or waterways on either side or both sides thereof. or not more than three hundred lineal feet back from and abutting on the outer lines of such rights-of-way on either side or both sides of such rights-of-way, and such area of such abutting lands as the council or commission may deem necessary for its use for public docks, bridges, wharves, streets and other conveniences of navigation and commerce and for its own use and benefit generally.

35.56.250 Waterways—Abutting city owned lands—Lease of. If the city is not using the abutting lands so acquired it may lease any parcels thereof as may be deemed for the best interest and convenience of navigation, commerce and the public interest and welfare to private individuals or concerns for terms not exceeding thirty years each at such annual rate or rental as the city council or commission of such city may deem just, proper and fair, for the purpose of erecting wharves for wholesale and retail warehouses and for general commercial purposes and manufacturing sites, but the said city shall never convey or part with title to the abutting lands above mentioned and so acquired nor with the control other than in the manner herein specified. Any lease or leases granted by the city on such abutting lands shall never be transferred or assigned without the consent of the city council or commission having been first obtained.

A city shall never lease to any individual or concern more than four hundred lineal feet of canal or waterway frontage of said land and no individual or concern shall ever hold or occupy by lease, sublease, or otherwise more than the said four hundred lineal feet of said frontage: *Provided*, That any individual or concern may acquire by lease or sublease whatever additional frontage of such abutting land may be in the judgment of the city council or commission necessary for the use of such individual or concern, upon petition presented to the city council or commission therefor signed by not less than five hundred resident freeholders of such city.

35.56.260 Waterways—Abutting lands—Lessee must lease shoreline property. At the time that the city leases to any individual or

concern any of the land abutting on the area between the shore lines and the dock lines the same individual or concern must likewise for the same period of time lease all of the area between the shore line and dock line of such canal or waterway lying contiguous to and immediately in front of the abutting land so leased.

35.56.270 Work by day labor. When a city undertakes any improvement authorized by this chapter and the expenditures required exceed the sum of five hundred dollars, it shall be done by contract and shall be let to the lowest responsible bidder, after due notice, under such regulation as may be prescribed by ordinance: *Provided*, That the city council or commission may reject all bids presented and readvertise, or, if in the judgment of the city council or commission the work can be performed, or supplies or materials furnished by the city independent of contract, cheaper than under the bid submitted, it may after having so advertised and examined the bids, cause the work to be performed or supplies or materials to be furnished independent of contract. This section shall be construed as a concurrent and cumulative power conferred on cities and shall not be construed as in any wise repealing or affecting any law now in force relating to the performing, execution and construction of public works.

35.56.280 Reassessments. If any assessment is found to be invalid for any cause or if it is set aside for any reason in judicial proceeding, a reassessment may be made and all laws then in force relative to the reassessment of local assessments, for street or other improvements, shall, as far as practical, be applicable hereto.

35.56.290 Provisions of chapter not exclusive. The provisions of this chapter shall not be construed as repealing or in any wise affecting other existing laws relative to the making of any such improvements but shall be considered as concurrent therewith.

Chapter 35.58

METROPOLITAN MUNICIPAL CORPORATIONS

35.58.010 Declaration of policy and purpose. It is hereby declared to be the public policy of the state of Washington to provide for the people of the populous metropolitan areas in the state the means of obtaining essential services not adequately provided by existing agencies of local government. The growth of urban population and the movement of people into suburban areas has created problems of sewage and garbage disposal, water supply, transportation, planning, parks and parkways which extend beyond the boundaries of cities, counties and special districts. For reasons of

topography, location and movement of population, and land conditions and development, one or more of these problems cannot be adequately met by the individual cities, counties and districts of many metropolitan areas.

It is the purpose of this chapter to enable cities and counties to act jointly to meet these common problems in order that the proper growth and development of the metropolitan areas of the state may be assured and the health and welfare of the people residing therein may be secured.

35.58.020 Definitions. As used herein:

(1) "Metropolitan municipal corporation" means a municipal corporation of the state of Washington created pursuant to this chapter.

(2) "Metropolitan area" means the area contained within the boundaries of a metropolitan municipal corporation, or within the boundaries of an area proposed to be organized as such a corporation.

(3) "City" means an incorporated city or town.

(4) "Component city" means an incorporated city or town within a metropolitan area.

(5) "Component county" means a county, all or part of which is included within a metropolitan area.

(6) "Central city" means the city with the largest population in a metropolitan area.

(7) "Central county" means the county containing the city with the largest population in a metropolitan area.

(8) "Special district" means any municipal corporation of the state of Washington other than a city, county, or metropolitan municipal corporation.

(9) "Metropolitan council" means the legislative body of a metropolitan municipal corporation.

(10) "City council" means the legislative body of any city or town.

(11) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made under the direction of the state census board.

(12) "Metropolitan function" means any of the functions of government named in RCW 35.58.050.

(13) "Authorized metropolitan function" means a metropolitan function which a metropolitan municipal corporation shall have been authorized to perform in the manner provided in this chapter.

35.58.030 Corporations authorized. Any area of the state containing two or more cities, at least one of which is a city of the

first class, may organize as a metropolitan municipal corporation for the performance of certain functions, as provided in this chapter.

35.58.040 Territory which must be included or excluded. No metropolitan municipal corporation shall include only a part of any city, and every city shall be either wholly included or wholly excluded from the boundaries of such corporation. No territory shall be included within the boundaries of more than one metropolitan municipal corporation.

35.58.050 Functions authorized. A metropolitan municipal corporation shall have the power to perform any one or more of the following functions, when authorized in the manner provided in this chapter:

- (1) Metropolitan sewage disposal.
- (2) Metropolitan water supply.
- (3) Metropolitan public transportation.
- (4) Metropolitan garbage disposal.
- (5) Metropolitan parks and parkways.
- (6) Metropolitan comprehensive planning.

35.58.060 Unauthorized functions to be performed under other law. All functions of local government which are not authorized as provided in this chapter to be performed by a metropolitan municipal corporation, shall continue to be performed by the counties, cities and special districts within the metropolitan area as provided by law.

35.58.070 Resolution, petition for election—Requirements, procedure. A metropolitan municipal corporation may be created by vote of the qualified electors residing in a metropolitan area in the manner provided in this chapter. An election to authorize the creation of a metropolitan municipal corporation may be called pursuant to resolution or petition in the following manner:

(1) A resolution or concurring resolutions calling for such an election may be adopted by either:

- (a) The city council of a central city; or
- (b) The city councils of two or more component cities other than a central city; or
- (c) The board of commissioners of a central county.

A certified copy of such resolution or certified copies of such concurring resolutions shall be transmitted to the board of commissioners of the central county.

(2) A petition calling for such an election shall be signed by at least four percent of the qualified voters residing within the metropolitan area and shall be filed with the auditor of the central county.

Any resolution or petition calling for such an election shall describe the boundaries of the proposed metropolitan area, name

the metropolitan function or functions which the metropolitan municipal corporation shall be authorized to perform initially and state that the formation of the metropolitan municipal corporation will be conducive to the welfare and benefit of the persons and property within the metropolitan area. After the filing of a first sufficient petition or resolution with such county auditor or board of county commissioners respectively, action by such auditor or board shall be deferred on any subsequent petition or resolution until after the election has been held pursuant to such first petition or resolution.

Upon receipt of such a petition, the auditor shall examine the same and certify to the sufficiency of the signatures thereon. For the purpose of examining the signatures on such petition, the auditor shall be permitted access to the voter registration books of each component county and each component city. No person may withdraw his name from a petition after it has been filed with the auditor. Within thirty days following the receipt of such petition, the auditor shall transmit the same to the board of commissioners of the central county, together with his certificate as to the sufficiency thereof.

35.58.080 Hearings on petition, resolution—Inclusion, exclusion of territory—Boundaries—Calling election. Upon receipt of a duly certified petition or a valid resolution calling for an election on the formation of a metropolitan municipal corporation, the board of commissioners of the central county shall fix a date for a public hearing thereon which shall be not more than sixty nor less than forty days following the receipt of such resolution or petition. Notice of such hearing shall be published once a week for at least four consecutive weeks in one or more newspapers of general circulation within the metropolitan area. The notice shall contain a description of the boundaries of the proposed metropolitan area, shall name the initial metropolitan function or functions and shall state the time and place of the hearing and the fact that any changes in the boundaries of the metropolitan area will be considered at such time and place. At such hearing or any continuation thereof, any interested person may appear and be heard on all matters relating to the effect of the formation of the proposed municipal metropolitan corporation. The commissioners may make such changes in the boundaries of the metropolitan area as they shall deem reasonable and proper, but may not delete any portion of the proposed area which will create an island of included or excluded lands, may not delete a portion of any city, and may not delete any portion of the proposed area which is contributing or may reasonably be expected to contribute to the pollution of any water course or body of water in the proposed area when the petition or resolution names metropolitan sewage disposal as a function to be performed

by the proposed metropolitan municipal corporation. If the commissioners shall determine that any additional territory should be included in the metropolitan area, a second hearing shall be held and notice given in the same manner as for the original hearing. The commissioners may adjourn the hearing on the formation of a metropolitan municipal corporation from time to time not exceeding thirty days in all. At the next regular meeting following the conclusion of such hearing the commissioners shall adopt a resolution fixing the boundaries of the proposed metropolitan municipal corporation, declaring that the formation of the proposed metropolitan municipal corporation will be conducive to the welfare and benefit of the persons and property therein and providing for the calling of a special election on the formation of the metropolitan municipal corporation to be held not more than one hundred twenty days nor less than sixty days following the adoption of such resolution.

35.58.090 Election procedure to form corporation and levy tax—Qualified voters—Establishment of corporation—First meeting of council. 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 the day 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 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 LEVY

“Shall the metropolitan municipal corporation, if formed, levy a general tax of one mill for one year upon all the taxable property within said corporation in excess of the forty mill tax limit 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.

35.58.100 Additional functions — Authorized by election. A metropolitan municipal corporation may be authorized to perform one or more metropolitan functions in addition to those which it has previously been authorized to perform, with the approval of the voters at an election, in the manner provided in this section.

An election to authorize a metropolitan municipal corporation to perform one or more additional metropolitan functions may be called pursuant to a resolution or a petition in the following manner:

- (1) A resolution calling for such an election may be adopted by:

- (a) The city council of the central city; or
- (b) The city councils of two or more component cities other than a central city; or
- (c) The board of commissioners of the central county. Such resolution shall be transmitted to the metropolitan council.

(2) A petition calling for such an election shall be signed by at least four percent of the registered voters residing within the metropolitan area and shall be filed with the auditor of the central county.

Any resolution or petition calling for such an election shall name the additional metropolitan functions which the metropolitan municipal corporation shall be authorized to perform.

Upon receipt of such a petition, the auditor shall examine the signatures thereon and certify to the sufficiency thereof. For the purpose of examining the signatures on such petition, the auditor shall be permitted access to all voter registration books of any component county and of all component cities. No person may withdraw his name from a petition after it has been filed with the auditor. Within thirty days following the receipt of such petition, the auditor shall transmit the same to the metropolitan council, together with his certificate as to the sufficiency of signatures thereon.

Upon receipt of a valid resolution or duly certified petition calling for an election on the authorization of the performance of one or more additional metropolitan functions, the metropolitan council shall cause to be called a special election to be held not more than one hundred and twenty days nor less than sixty days following such receipt. Such special election shall be conducted and canvassed as provided in this chapter for an election on the question of forming a metropolitan municipal corporation. The ballot proposition shall be in substantially the following form:

"Shall the metropolitan municipal corporation be authorized to perform the additional metropolitan functions of (here insert the title of each of the additional functions to be authorized as set forth in the petition or resolution)?

YES

NO

If a majority of the persons voting on the proposition shall vote in favor thereof, the metropolitan municipal corporation shall be authorized to perform such additional metropolitan function or functions.

35.58.110 Additional functions—Authorized without election. A metropolitan municipal corporation may be authorized to perform one or more metropolitan functions in addition to those which it previously has been authorized to perform, without an election, in

the manner provided in this section. A resolution providing for the performance of such additional metropolitan function or functions shall be adopted by the metropolitan council. A copy of such resolution shall be transmitted by registered mail to the legislative body of each component city and county. If, within ninety days after the date of such mailing, a concurring resolution is adopted by the legislative body of each component county, of each component city of the first class, and of at least two-thirds of all other component cities, and such concurring resolutions are transmitted to the metropolitan council, such council shall by resolution declare that the metropolitan municipal corporation has been authorized to perform such additional metropolitan function or functions. A copy of such resolution shall be transmitted by registered mail to the legislative body of each component city and county and of each special district which will be affected by the particular additional metropolitan function authorized.

35.58.120 Metropolitan council — Composition — Chairman. A metropolitan municipal corporation shall be governed by a metropolitan council composed of the following:

(1) One member selected by, and from, the board of commissioners of each component county;

(2) One additional member selected by the board of commissioners of each component county for each county commissioner district containing twenty thousand or more persons residing in the unincorporated portion of such commissioner district lying within the metropolitan municipal corporation who shall be a resident of such unincorporated portion: *Provided*, That one additional member shall be selected by and from, the board of county commissioners for each county commissioner district containing less than twenty thousand persons in its unincorporated area.

(3) One member who shall be the mayor of the central city.

(4) One member from each of the three largest component cities containing a population of ten thousand or more other than the central city, selected by, and from, the mayor and city council of each of such cities.

(5) One member representing all component cities other than the four largest cities with a population of ten thousand or more, to be selected from the mayors and city councils of such smaller cities by the mayors of such cities in the following manner: The mayors of all such cities shall meet on the second Tuesday following the establishment of a metropolitan municipal corporation and thereafter on the third Tuesday in June of each even-numbered year at two o'clock p.m. at the office of the board of county commissioners of the central county. The chairman of such board shall preside.

After nominations are made, successive ballots shall be taken until one candidate receives a majority of all votes cast.

(6) One member selected by, and from, the city council of the central city.

(7) One member selected by, and from, the city council of each component city containing a population of fifty thousand or more.

(8) One additional member selected by and from the city council of each component city containing a population of one hundred thousand or more.

(9) One additional member selected by, and from, the city council of each component city containing a population of one hundred thousand or more for each one hundred thousand population over and above the first one hundred thousand.

(10) One member, who shall be chairman of the metropolitan council, selected by the other members of the council. He shall not hold any public office other than that of notary public or member of the military forces of the United States or of the state of Washington not on active duty.

35.58.130 ————Organization, chairman, procedures. At the first meeting of the metropolitan council following the formation of a metropolitan municipal corporation, the mayor of the central city shall serve as temporary chairman. As its first official act the council shall elect a chairman. The chairman shall be a voting member of the council and shall preside at all meetings. In the event of his absence or inability to act the council shall select one of its members to act as chairman pro tempore. A majority of all members of the council shall constitute a quorum for the transaction of business. A smaller number of council members than a quorum may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as the council may provide. The council shall determine its own rules and order of business, shall provide by resolution for the manner and time of holding all regular and special meetings and shall keep a journal of its proceedings which shall be a public record. Every legislative act of the council of a general or permanent nature shall be by resolution.

35.58.140 ————Terms. Each member of a metropolitan council except those selected under the provisions of RCW 35.58.120 (3), (5) and (10), shall hold office at the pleasure of the body which selected him. Each member, who shall hold office ex officio, may not hold office after he ceases to hold the position of mayor, commissioner, or councilman. The chairman shall hold office until the second Tuesday in July of each even-numbered year and may, if

reelected, serve more than one term. Each member shall hold office until his successor has been selected as provided in this chapter.

35.58.150 ————Vacancies. A vacancy in the office of a member of the metropolitan council shall be filled in the same manner as provided for the original selection. The meeting of mayors to fill a vacancy of the member selected under the provisions of RCW 35.58.120(5) shall be held at such time and place as shall be designated by the chairman of the metropolitan council after ten days' written notice mailed to the mayors of each of the cities specified in RCW 35.58.120(5).

35.58.160 ————Compensation. The chairman of the metropolitan council shall receive such compensation as the other members of the metropolitan council shall provide. Members of the council other than the chairman shall receive compensation for attendance at metropolitan council or committee meetings of twenty-five dollars per diem but not exceeding a total of two hundred dollars in any one month, in addition to any compensation which they may receive as officers of component cities or counties: *Provided*, That elected public officers serving in such capacities on a full time basis shall not receive compensation for attendance at metropolitan council or committee meetings. All members of the council shall be reimbursed for expenses actually incurred by them in the conduct of official business for the metropolitan municipal corporation.

35.58.170 Corporation name and seal. The name of a metropolitan municipal corporation shall be established by its metropolitan council. Each metropolitan municipal corporation shall adopt a corporate seal containing the name of the corporation and the date of its formation.

35.58.180 General powers of corporation. In addition to the powers specifically granted by this chapter a metropolitan municipal corporation shall have all powers which are necessary to carry out the purposes of the metropolitan municipal corporation and to perform authorized metropolitan functions. A metropolitan municipal corporation may contract with the United States or any agency thereof, any state or agency thereof, any other metropolitan municipal corporation, any county, city, special district, or governmental agency for the operation by such entity of any facility or the performance of any service which the metropolitan municipal corporation may be authorized to operate or perform, on such terms as may be agreed upon by the contracting parties.

A metropolitan municipal corporation may sue and be sued in its corporate capacity in all courts and in all proceedings.

35.58.190 Performance of function or functions — Commencement date. The metropolitan council shall provide by resolution the effective date on which the metropolitan municipal corporation will commence to perform any one or more of the metropolitan functions which it shall have been authorized to perform.

35.58.200 Powers relative to sewage disposal. If a metropolitan municipal corporation shall be authorized to perform the function of a metropolitan sewage disposal, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare a comprehensive sewage disposal and storm water drainage plan for the metropolitan area.

(2) To acquire by purchase, condemnation, gift, or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of metropolitan facilities for sewage disposal and storm water drainage within or without the metropolitan area, including trunk, interceptor and outfall sewers, whether used to carry sanitary waste, storm water, or combined storm and sanitary sewage, lift and pumping stations, sewage treatment plants, together with all lands, properties, equipment and accessories necessary for such facilities. Sewer facilities which are owned by a city or special district may be acquired or used by the metropolitan municipal corporation only with the consent of the legislative body of the city or special districts owning such facilities. Cities and special districts are hereby authorized to convey or lease such facilities to metropolitan municipal corporations or to contract for their joint use on such terms as may be fixed by agreement between the legislative body of such city or special district and the metropolitan council, without submitting the matter to the voters of such city or district.

(3) To require counties, cities, special districts and other political subdivisions to discharge sewage collected by such entities from any portion of the metropolitan area into such metropolitan facilities as may be provided to serve such areas when the metropolitan council shall declare by resolution that the health, safety, or welfare of the people within the metropolitan area requires such action.

(4) To fix rates and charges for the use of metropolitan sewage disposal and storm water drainage facilities.

(5) To establish minimum standards for the construction of local sewer facilities and to approve plans for construction of such facilities by component counties or cities or by special districts wholly or partly within the metropolitan area. No such county, city, or special district shall construct such facilities without first securing such approval.

(6) To acquire by purchase, condemnation, gift, or grant, to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of facilities for the local collection of sewage or storm water in portions of the metropolitan area not contained within any city or sewer district and, with the consent of the legislative body of any city or sewer district, to exercise such powers within such city or sewer district and for such purpose to have all the powers conferred by law upon such city or sewer district with respect to such local collection facilities. All costs of such local collection facilities shall be paid for by the area served thereby.

35.58.210 Metropolitan sewer advisory committee. If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan sewage disposal, the metropolitan council shall, prior to the effective date of the assumption of such function, cause a metropolitan sewer advisory committee to be formed by notifying the legislative body of each component city which operates a sewer system to appoint one person to serve on such advisory committee and the board of commissioners of each sewer district, any portion of which lies within the metropolitan area, to appoint one person to serve on such committee who shall be a sewer district commissioner. The metropolitan sewer advisory committee shall meet at the time and place provided in the notice and elect a chairman. The members of such committee shall serve at the pleasure of the appointing bodies and shall receive no compensation other than reimbursement for expenses actually incurred in the performance of their duties. The function of such advisory committee shall be to advise the metropolitan council in matters relating to the performance of the sewage disposal function.

35.58.220 Powers relative to water supply. If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan water supply, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare a comprehensive plan for the development of sources of water supply, trunk supply mains and water treatment and storage facilities for the metropolitan area.

(2) To acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of metropolitan facilities for water supply within or without the metropolitan area, including buildings, structures, water sheds, wells, springs, dams, settling basins, intakes, treatment plants, trunk supply mains and pumping stations, together with all lands, property, equipment and accessories necessary to enable the metropolitan municipal corporation to obtain and develop sources of water supply, treat and store water and deliver

water through trunk supply mains. Water supply facilities which are owned by a city or special district may be acquired or used by the metropolitan municipal corporation only with the consent of the legislative body of the city or special district owning such facilities. Cities and special districts are hereby authorized to convey or lease such facilities to metropolitan municipal corporations or to contract for their joint use on such terms as may be fixed by agreement between the legislative body of such city or special district and the metropolitan council, without submitting the matter to the voters of such city or district.

(3) To fix rates and charges for water supplied by the metropolitan municipal corporation.

(4) To acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of facilities for the local distribution of water in portions of the metropolitan area not contained within any city or water district and, with the consent of the legislative body of any city or water district, to exercise such powers within such city or water district and for such purpose to have all the powers conferred by law upon such city or water district with respect to such local distribution facilities. All costs of such local distribution facilities shall be paid for by the area served thereby.

35.58.230 Metropolitan water advisory committee. If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan water supply, the metropolitan council shall, prior to the effective date of the assumption of such function, cause a metropolitan water advisory committee to be formed by notifying the legislative body of each component city which operates a water system to appoint one person to serve on such advisory committee and the board of commissioners of each water district, any portion of which lies within the metropolitan area, to appoint one person to serve on such committee who shall be a water district commissioner. The metropolitan water advisory committee shall meet at the time and place provided in the notice and elect a chairman. The members of such committee shall serve at the pleasure of the appointing bodies and shall receive no compensation other than reimbursement for expenses actually incurred in the performance of their duties. The function of such advisory committee shall be to advise the metropolitan council with respect to matters relating to the performance of the water supply function.

35.58.240 Powers relative to transportation. If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan transportation, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare and develop a comprehensive plan for public transportation service which will best serve the residents of the metropolitan area.

(2) To acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of metropolitan transportation facilities within or without the metropolitan area, including systems of surface, underground or overhead railways, tramways, busses, or any other means of local transportation except taxis, and including passenger terminal and parking facilities, together with all lands, rights of way, property, equipment and accessories necessary for such systems and facilities. Public transportation facilities which are owned by any city may be acquired or used by the metropolitan municipal corporation only with the consent of the city council of the city owning such facilities. Cities are hereby authorized to convey or lease such facilities to metropolitan municipal corporations or to contract for their joint use on such terms as may be fixed by agreement between the city council of such city and the metropolitan council, without submitting the matter to the voters of such city.

(3) To fix rates and charges for the use of such facilities.

35.58.250 Other local public passenger transportation service prohibited—Agreements—Purchase—Condemnation. Except in accordance with an agreement made as provided herein, upon the effective date on which the metropolitan municipal corporation commences to perform the metropolitan transportation function, no person or private corporation shall operate a local public passenger transportation service within the metropolitan area with the exception of taxis, busses owned or operated by a school district or private school, and busses owned or operated by any corporation or organization solely for the purposes of the corporation or organization and for the use of which no fee or fare is charged.

An agreement may be entered into between the metropolitan municipal corporation and any person or corporation legally operating a local public passenger transportation service wholly within or partly within and partly without the metropolitan area and on said effective date under which such person or corporation may continue to operate such service or any part thereof for such time and upon such terms and conditions as provided in such agreement. Where any such local public passenger transportation service will be required to cease to operate within the metropolitan area, the commission may agree with the owner of such service to purchase the assets used in providing such service, or if no agreement can be reached, the commission shall condemn such assets in the manner provided herein for the condemnation of other properties.

Wherever a privately owned public carrier operates wholly or partly within a metropolitan municipal corporation, the Washington utilities and transportation commission shall continue to exercise jurisdiction over such operation as provided by law.

35.58.260 Transportation function—Acquisition of city system.

If a metropolitan municipal corporation shall be authorized to perform the metropolitan transportation function, it shall, upon the effective date of the assumption of such power, have and exercise all rights with respect to the construction, acquisition, maintenance, operation, extension, alteration, repair, control and management of passenger transportation which any component city shall have been previously empowered to exercise and such powers shall not thereafter be exercised by such component cities without the consent of the metropolitan municipal corporation: *Provided*, That any city owning and operating a public transportation system on such effective date may continue to operate such system within such city until such system shall have been acquired by the metropolitan municipal corporation and a metropolitan municipal corporation may not acquire such system without the consent of the city council of such city.

35.58.270 Metropolitan transit commission. If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan transportation, a metropolitan transit commission shall be formed prior to the effective date of the assumption of such function. Except as provided in this section, the metropolitan transit commission shall exercise all powers of the metropolitan municipal corporation with respect to metropolitan transportation facilities, including but not limited to the power to construct, acquire, maintain, operate, extend, alter, repair, control and manage a local public transportation system within and without the metropolitan area, to establish new passenger transportation services and to alter, curtail, or abolish any services which the commission may deem desirable, to fix tolls and fares, so that the revenue of the system shall be sufficient to meet all operating transportation costs but not necessarily sufficient to meet the cost of construction or acquisition of new facilities and depreciation of facilities, unless the commission shall elect to do so.

The metropolitan transit commission shall authorize expenditures for transportation purposes within the budget adopted by the metropolitan council. Bonds of the metropolitan municipal corporation for public transportation purposes shall be issued by the metropolitan council as provided in this chapter.

The metropolitan transit commission shall consist of five members appointed by the metropolitan council. Three members of the

first metropolitan transit commission shall be selected from the existing transit commission of the central city, if there be a transit commission in such city. The terms of first appointees shall be for one, two, three, four and five years, respectively. Thereafter, commissioners shall serve for a term of four years. Compensation of transit commissioners shall be determined by the metropolitan council.

35.58.280 Powers relative to garbage disposal. If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan garbage disposal, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare a comprehensive garbage disposal plan for the metropolitan area.

(2) To acquire by purchase, condemnation, gift, or grant, and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of metropolitan facilities for garbage disposal within or without the metropolitan area, including garbage disposal sites, central collection station sites, structures, machinery and equipment for the operation of central collection stations and for the hauling and disposal of garbage by any means, together with all lands, property, equipment and accessories necessary for such facilities. Garbage disposal facilities which are owned by a city or county may be acquired or used by the metropolitan municipal corporation only with the consent of the legislative body of the city or county owning such facilities. Cities and counties are hereby authorized to convey or lease such facilities to metropolitan municipal corporations or to contract for their joint use on such terms as may be fixed by agreement between the legislative body of such city or county and the metropolitan council, without submitting the matter to the voters of such city or county.

(3) To fix rates and charges for the use of metropolitan garbage disposal facilities.

(4) With the consent of any component city, to acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of facilities for the local collection of garbage within such city, and for such purpose to have all the powers conferred by law upon such city with respect to such local collection facilities. Nothing herein contained shall be deemed to authorize the local collection of garbage except in component cities. All costs of such local collection facilities shall be paid for by the area served thereby.

35.58.290 Powers relative to parks and parkways. If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan parks and parkways, it shall have the fol-

lowing powers in addition to the general powers granted by this chapter:

(1) To prepare a comprehensive plan of metropolitan parks and parkways.

(2) To acquire by purchase, condemnation, gift or grant, to lease, construct, add to, improve, develop, replace, repair, maintain, operate and regulate the use of metropolitan parks and parkways, together with all lands, rights of way, property, equipment and accessories necessary therefor. A park or parkway shall be considered to be a metropolitan facility if the metropolitan council shall by resolution find it to be of use and benefit to all or a major portion of the residents of the metropolitan area. Parks or parkways which are owned by a component city or county may be acquired or used by the metropolitan municipal corporation only with the consent of the legislative body of such city or county. Cities and counties are hereby authorized to convey or lease such facilities to metropolitan municipal corporations or to contract for their joint use on such terms as may be fixed by agreement between the legislative bodies of such city or county and the metropolitan council, without submitting the matter to the voters of such city or county. If parks or parkways which have been acquired or used as metropolitan facilities shall no longer be used for park purposes by the metropolitan municipal corporation, such facilities shall revert to the component city or county which formerly owned them.

(3) To fix fees and charges for the use of metropolitan park and parkway facilities.

35.58.300 Metropolitan park board. If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan parks and parkways, a metropolitan park board shall be formed prior to the effective date of the assumption of such function. Except as provided in this section, the metropolitan park board shall exercise all powers of the metropolitan municipal corporation with respect to metropolitan park and parkway facilities.

The metropolitan park board shall authorize expenditures for park and parkway purposes within the budget adopted by the metropolitan council. Bonds of the metropolitan municipal corporation for park and parkway purposes shall be issued by the metropolitan council as provided in this chapter.

The metropolitan park board shall consist of five members appointed by the metropolitan council at least two of whom shall be residents of the central city. The terms of first appointees shall be for one, two, three, four and five years, respectively. Thereafter members shall serve for a term of four years. Compensation of park board members shall be determined by the metropolitan council.

35.58.310 Powers relative to planning. If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan comprehensive planning, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare a recommended comprehensive land use and capital facilities plan for the metropolitan area.

(2) To review proposed zoning ordinances and resolutions or comprehensive plans of component cities and counties and make recommendations thereon. Such proposed zoning ordinances and resolutions or comprehensive plans must be submitted to the metropolitan council prior to adoption and may not be adopted until reviewed and returned by the metropolitan council. The metropolitan council shall cause such ordinances, resolutions and plans to be reviewed by the planning staff of the metropolitan municipal corporation and return such ordinances, resolutions and plans, together with their findings and recommendations thereon within sixty days following their submission.

(3) To provide planning services for component cities and counties upon request and upon payment therefor by the cities or counties receiving such service.

35.58.320 Eminent domain. A metropolitan municipal corporation shall have power to acquire by purchase and condemnation all lands and property rights, both within and without the metropolitan area, which are necessary for its purposes. Such right of eminent domain shall be exercised by the metropolitan council in the same manner and by the same procedure as is or may be provided by law for cities of the first class, except insofar as such laws may be inconsistent with the provisions of this chapter.

35.58.330 Powers may be exercised with relation to public rights of way without franchise—Conditions. A metropolitan municipal corporation shall have power to construct or maintain metropolitan facilities in, along, on, under, over, or through public streets, bridges, viaducts, and other public rights of way without first obtaining a franchise from the county or city having jurisdiction over the same: *Provided*, That such facilities shall be constructed and maintained in accordance with the ordinances and resolutions of such city or county relating to construction, installation and maintenance of similar facilities in such public properties.

35.58.340 Disposition of unneeded property. Except as otherwise provided herein, a metropolitan municipal corporation may sell, or otherwise dispose of any real or personal property acquired in connection with any authorized metropolitan function and which is no longer required for the purposes of the metropolitan municipal

corporation in the same manner as provided for cities of the first class. When the metropolitan council determines that a metropolitan facility or any part thereof which has been acquired from a component city or county without compensation is no longer required for metropolitan purposes, but is required as a local facility by the city or county from which it was acquired, the metropolitan council shall by resolution transfer it to such city or county.

35.58.350 Powers of metropolitan council. All the powers and functions of a metropolitan municipal corporation shall be vested in the metropolitan council unless expressly vested in specific officers, boards, or commissions by this chapter. Without limitation of the foregoing authority, or of other powers given it by this chapter, the metropolitan council shall have the following powers:

(1) To establish offices, departments, boards and commissions in addition to those provided by this chapter which are necessary to carry out the purposes of the metropolitan municipal corporation, and to prescribe the functions, powers and duties thereof.

(2) To appoint or provide for the appointment of, and to remove or to provide for the removal of, all officers and employees of the metropolitan municipal corporation except those whose appointment or removal is otherwise provided by this chapter.

(3) To fix the salaries, wages and other compensation of all officers and employees of the metropolitan municipal corporation unless the same shall be otherwise fixed in this chapter.

(4) To employ such engineering, legal, financial, or other specialized personnel as may be necessary to accomplish the purposes of the metropolitan municipal corporation.

35.58.360 Rules and regulations—Penalties—Enforcement. A metropolitan municipal corporation shall have power to adopt by resolution such rules and regulations as shall be necessary or proper to enable it to carry out authorized metropolitan functions and may provide penalties for the violation thereof. Actions to impose or enforce such penalties may be brought in the superior court of the state of Washington in and for the central county.

35.58.370 Merit system. The metropolitan council shall establish and provide for the operation and maintenance of a personnel merit system for the employment, classification, promotion, demotion, suspension, transfer, layoff and discharge of its appointive officers and employees solely on the basis of merit and fitness without regard to political influence or affiliation. The person appointed or body created for the purpose of administering such personnel system shall have power to make, amend and repeal rules and regulations as are deemed necessary for such merit system. Such rules and regulations shall provide:

(1) That the person to be discharged or demoted must be presented with the reasons for such discharge or demotion specifically stated; and

(2) That he shall be allowed a reasonable time in which to reply thereto in writing and that he be given a hearing thereon within a reasonable time.

35.58.380 Retention of existing personnel. A metropolitan municipal corporation shall offer to employ every person who on the date such corporation acquires a metropolitan facility is employed in the operation of such facility by a component city or county or by a special district.

35.58.390 Prior employees pension rights preserved. Where a metropolitan municipal corporation employs a person employed immediately prior thereto by a component city or county, or by a special district, such employee shall be deemed to remain an employee of such city, county, or special district for the purposes of any pension plan of such city, county, or special district, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the city, county, or special district, until the metropolitan municipal corporation has provided a pension plan and such employee has elected, in writing, to participate therein.

Until such election, the metropolitan municipal corporation 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 plan of such city, county, or special district and the metropolitan municipal corporation shall pay to the city, county, or special district any amounts required to be paid under the provisions of such plan by employer or employee.

35.58.400 Prior employees sick leave and vacation rights preserved. Where a metropolitan municipal corporation employs a person employed immediately prior thereto by a component city or county or by a special district, the employee shall be deemed to remain an employee of such city, county, or special district for the purposes of any sick leave credit plan of the component city, county, or special district until the metropolitan municipal corporation has established a sick leave credit plan for its employees, whereupon the metropolitan municipal corporation shall place to the credit of the employee the sick leave credits standing to his credit in the plan of such city, county, or special district.

Where a metropolitan municipal corporation employs a person theretofore employed by a component city, county, or by a special district, the metropolitan municipal corporation shall, during the first year of his employment by the metropolitan municipal cor-

poration, provide for such employee a vacation with pay equivalent to that which he would have been entitled if he had remained in the employment of the city, county, or special district.

35.58.410 Budget—Expenditures—“Supplemental income” designated. On or before the third Monday in June of each year, each metropolitan municipal corporation shall adopt a budget for the following calendar year. Such budget shall include a separate section for each authorized metropolitan function. Expenditures shall be segregated as to operation and maintenance expenses and capital and betterment outlays. Administrative and other expense general to the corporation shall be allocated between the authorized metropolitan functions. The budget shall contain an estimate of all revenues to be collected during the following budget year, including any surplus funds remaining unexpended from the preceding year. The remaining funds required to meet budget expenditures, if any, shall be designated as “supplemental income” and shall be obtained from the component cities and counties in the manner provided in this chapter. The metropolitan council shall not be required to confine capital or betterment expenditures made from bond proceeds or emergency expenditures to items provided in the budget. The affirmative vote of three-fourths of all members of the metropolitan council shall be required to authorize emergency expenditures.

35.58.420 Supplemental income payments by component city and county. Each component city shall pay such proportion of the supplemental income of the metropolitan municipal corporation as the assessed valuation of property within its limits bears to the total assessed valuation of taxable property within the metropolitan area. Each component county shall pay such proportion of such supplemental income as the assessed valuation of the property within the unincorporated area of such county lying within the metropolitan area bears to the total assessed valuation of taxable property within the metropolitan area. In making such determination, the metropolitan council shall use the last available assessed valuations. The metropolitan council shall certify to each component city and county, prior to the fourth Monday in June of each year, the share of the supplemental income to be paid by such component city or county for the next calendar year. The latter shall then include such amount in its budget for the ensuing calendar year, and during such year shall pay to the metropolitan municipal corporation, in equal quarterly installments, the amount of its supplemental income share from whatever sources may be available to it.

35.58.430 Funds—Disbursements — Treasurer — Expenses. Election expenses. The treasurer of each component county shall create a separate fund into which shall be paid all money collected from taxes levied by the metropolitan municipal corporation on property in such county and such money shall be forwarded quarterly by the treasurer of each such county to the treasurer of the central county as directed by the metropolitan council. The treasurer of the central county shall act as the treasurer of the metropolitan municipal corporation and shall establish and maintain such funds as may be authorized by the metropolitan council. Money shall be disbursed from such funds upon warrants drawn by the auditor of the central county as authorized by the metropolitan council. The central county shall be reimbursed by the metropolitan municipal corporation for services rendered by the treasurer and auditor of the central county in connection with the receipt and disbursement of such funds. The expense of all special elections held pursuant to this chapter shall be paid by the metropolitan municipal corporation.

35.58.440 County assessor's duties. It shall be the duty of the assessor of each component county to certify annually to the metropolitan council the aggregate assessed valuation of all taxable property in his county situated in any metropolitan municipal corporation as the same appears from the last assessment roll of his county.

35.58.450 General obligation bonds—Issuance, sale, form, term, election, payment. A metropolitan municipal corporation shall have the power to issue general obligation bonds and to pledge the full faith and credit of the corporation to the payment thereof, for any authorized capital purpose of the metropolitan municipal corporation: *Provided*, That a proposition authorizing the issuance of such bonds shall have been submitted to the electors of the metropolitan municipal corporation at a special election and assented to by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of votes cast within the area of said metropolitan municipal corporation at the last preceding state general election. Both principal of and interest on such general obligation bonds shall be payable from annual tax levies to be made upon all the taxable property within the metropolitan municipal corporation in excess of the forty mill tax limit.

General obligation bonds shall bear interest at a rate of not to exceed six percent per annum. The various annual maturities shall commence not more than five years from the date of issue of the bonds and shall as nearly as practicable be in such amounts as will,

together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies.

Such bonds shall be signed by the chairman and attested by the secretary of the metropolitan council, one of which signatures may be a facsimile signature and the seal of the metropolitan corporation shall be impressed thereon. Each of the interest coupons shall be signed by the facsimile signatures of said officials. General obligation bonds shall be sold at public sale as provided by law for sale of general obligation bonds of cities of the first class and at a price not less than par and accrued interest.

35.58.460 Revenue bonds—Issuance, sale, form, term, payment, reserves, actions. A metropolitan municipal corporation may issue revenue bonds to provide funds to carry out its authorized metropolitan sewage disposal, water supply, garbage disposal or transportation purposes, without submitting the matter to the voters of the metropolitan municipal corporation. The metropolitan council shall create a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the metropolitan council may obligate the metropolitan municipal corporation to pay such amounts of the gross revenue of the particular utility constructed, acquired, improved, added to, or repaired out of the proceeds of sale of such bonds, as the metropolitan council shall determine. The principal of, and interest on, such bonds shall be payable only out of such special fund or funds, and the owners and holders of such bonds shall have a lien and charge against the gross revenue of such utility.

Such revenue bonds and the interest thereon issued against such fund or funds shall be a valid claim of the holders thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the metropolitan municipal corporation.

Each such revenue bond shall state upon its face that it is payable from such special fund or funds, and all revenue bonds issued under this chapter shall be negotiable instruments within the provisions of the negotiable instruments law of this state. Such revenue bonds may be registered either as to principal only or as to principal and interest, or may be bearer bonds, shall be in such denominations as the metropolitan council shall deem proper; shall be payable at such time or times and at such places as shall be determined by the metropolitan council; shall bear interest at such rate or rates as shall be determined by the metropolitan council, shall be signed by the chairman and attested by the secretary of the metropolitan council, one of which signatures may be a facsimile signature, and the seal of the metropolitan municipal corporation shall be impressed

thereon; each of the interest coupons shall be signed by the facsimile signatures of said officials.

Such revenue bonds shall be sold in such manner as the metropolitan council shall deem to be for the best interests of the metropolitan municipal corporation, either at public or private sale. The aggregate interest cost to maturity of the money received for such revenue bonds shall not exceed seven percent per annum.

The metropolitan council may at the time of the issuance of such revenue bonds make such covenants with the purchasers and holders of said bonds as it may deem necessary to secure and guarantee the payment of the principal thereof and the interest thereon, including but not being limited to covenants to set aside adequate reserves to secure or guarantee the payment of such principal and interest, to maintain rates sufficient to pay such principal and interest and to maintain adequate coverage over debt service, to appoint a trustee or trustees for the bondholders to safeguard the expenditure of the proceeds of sale of such bonds and to fix the powers and duties of such trustee or trustees and to make such other covenants as the metropolitan council may deem necessary to accomplish the most advantageous sale of such bonds. The metropolitan council may also provide that revenue bonds payable out of the same source may later be issued on a parity with revenue bonds being issued and sold.

The metropolitan council may include in the principal amount of any such revenue bond issue an amount for working capital and an amount necessary for interest during the period of construction of any such metropolitan facilities plus six months. The metropolitan council may, if it deems it to the best interest of the metropolitan municipal corporation, provide in any contract for the construction or acquisition of any metropolitan facilities or additions or improvements thereto or replacements or extensions thereof that payment therefor shall be made only in such revenue bonds at the par value thereof.

If the metropolitan municipal corporation shall fail to carry out or perform any of its obligations or covenants made in the authorization, issuance and sale of such bonds, the holder of any such bond may bring action against the metropolitan municipal corporation and compel the performance of any or all of such covenants.

35.58.470 Funding, refunding bonds. The metropolitan council may, by resolution, without submitting the matter to the voters of the metropolitan municipal corporation, provide for the issuance of funding or refunding general obligation bonds to refund any outstanding general obligation bonds or any part thereof at maturity, or before maturity if they are by their terms or by other

agreement subject to prior redemption, with the right in the metropolitan council to combine various series and issues of the outstanding bonds by a single issue of funding or refunding bonds, and to issue refunding bonds to pay any redemption premium payable on the outstanding bonds being refunded. The funding or refunding general obligation bonds shall, except as specifically provided in this section, be issued in accordance with the provisions of this chapter with respect to general obligation bonds.

The metropolitan council may, by resolution, without submitting the matter to the voters of the metropolitan municipal corporation, provide for the issuance of funding or refunding revenue bonds to refund any outstanding revenue bonds or any part thereof at maturity, or before maturity if they are by their terms or by agreement subject to prior redemption, with the right in the metropolitan council to combine various series and issues of the outstanding bonds by a single issue of refunding bonds, and to issue refunding bonds to pay any redemption premium payable on the outstanding bonds being refunded. The funding or refunding revenue bonds shall be payable only out of a special fund created out of the gross revenue of the particular utility, and shall be a valid claim only as against such special fund and the amount of the revenue of the utility pledged to the fund. The funding or refunding revenue bonds shall, except as specifically provided in this section, be issued in accordance with the provisions of this chapter with respect to revenue bonds.

The net interest cost to maturity on funding or refunding bonds issued under this chapter shall not exceed seven percent per annum. The amount of premium, if any, to be paid on the redemption of such funding or refunding bonds prior to the maturity thereof shall not be considered in determining such net interest cost. The metropolitan council may exchange the funding or refunding bonds at par for the bonds which are being funded or refunded, or it may sell them in such manner as it deems for the best interest of the metropolitan municipal corporation.

35.58.480 Borrowing money from component city or county. A metropolitan municipal corporation shall have the power when authorized by a majority of all members of the metropolitan council to borrow money from any component city or county and such cities or counties are hereby authorized to make such loans or advances on such terms as may be mutually agreed upon by the legislative bodies of the metropolitan municipal corporation and any such component city or county to provide funds to carry out the purposes of the metropolitan municipal corporation.

35.58.490 Interest bearing warrants. If a metropolitan municipal corporation shall have been authorized to levy a general tax on all taxable property located within the metropolitan municipal corporation in the manner provided in this chapter, either at the time of the formation of the metropolitan municipal corporation or subsequently, the metropolitan council shall have the power to authorize the issuance of interest bearing warrants on such terms and conditions as the metropolitan council shall provide, same to be repaid from the proceeds of such tax when collected.

35.58.500 Local improvement districts—Utility local improvement districts. The metropolitan municipal corporation shall have the power to levy special assessments payable over a period of not exceeding twenty years on all property within the metropolitan area specially benefited by any improvement, on the basis of special benefits conferred, to pay in whole, or in part, the damages or costs of any such improvement, and for such purpose may establish local improvement districts and enlarged local improvement districts, issue local improvement warrants and bonds to be repaid by the collection of local improvement assessments and generally to exercise with respect to any improvements which it may be authorized to construct or acquire the same powers as may now or hereafter be conferred by law upon cities of the first class. Such local improvement districts shall be created and such special assessments levied and collected and local improvement warrants and bonds issued and sold in the same manner as shall now or hereafter be provided by law for cities of the first class. The duties imposed upon the city treasurer under such acts shall be imposed upon the treasurer of the county in which such local improvement district shall be located.

A metropolitan municipal corporation may provide that special benefit assessments levied in any local improvement district may be paid into such revenue bond redemption fund or funds as may be designated by the metropolitan council to secure the payment of revenue bonds issued to provide funds to pay the cost of improvements for which such assessments were levied. If local improvement district assessments shall be levied for payment into a revenue bond fund, the local improvement district created therefor shall be designated a utility local improvement district.

35.58.510 Obligations of corporation are legal investments and security for public deposits. All banks, trust companies, bankers, savings banks, and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business, all insurance companies, insurance associations, and other persons carrying on an

insurance business, and all executors, administrators, curators, trustees and other fiduciaries, may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by a metropolitan municipal corporation pursuant to this chapter. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

35.58.520 Legal investments for corporate funds. A metropolitan municipal corporation shall have the power to invest its funds held in reserves or sinking funds or any such funds which are not required for immediate disbursement, in property or securities in which mutual savings banks may legally invest funds subject to their control.

35.58.530 Annexation—Requirements, procedure. Territory annexed to a component city after the establishment of a metropolitan municipal corporation shall by such act be annexed to such corporation. Any other territory adjacent to a metropolitan municipal corporation may be annexed thereto by vote of the qualified electors residing in the territory to be annexed, in the manner provided in this chapter. An election to annex such territory may be called pursuant to a petition or resolution in the following manner:

(1) A petition calling for such an election shall be signed by at least four percent of the qualified voters residing within the territory to be annexed and shall be filed with the auditor of the central county.

(2) A resolution calling for such an election may be adopted by the metropolitan council.

Any resolution or petition calling for such an election shall describe the boundaries of the territory to be annexed, and state that the annexation of such territory to the metropolitan municipal corporation will be conducive to the welfare and benefit of the persons or property within the metropolitan municipal corporation and within the territory proposed to be annexed.

Upon receipt of such a petition, the auditor shall examine the same and certify to the sufficiency of the signatures thereon. For the purpose of examining the signatures on such petition, the auditor shall be permitted access to the voter registration books of each city within the territory proposed to be annexed and of each county a portion of which shall be located within the territory proposed

to be annexed. No person may withdraw his name from a petition after it has been filed with the auditor. Within thirty days following the receipt of such petition, the auditor shall transmit the same to the metropolitan council, together with his certificate as to the sufficiency thereof.

35.58.540 ————Hearings—Inclusion, exclusion of territory—Boundaries—Calling election. Upon receipt of a duly certified petition calling for an election on the annexation of territory to a metropolitan municipal corporation, or if the metropolitan council shall determine without a petition being filed, that an election on the annexation of any adjacent territory shall be held, the metropolitan council shall fix a date for a public hearing thereon which shall be not more than sixty nor less than forty days following the receipt of such petition or adoption of such resolution. Notice of such hearing shall be published once a week for at least four consecutive weeks in one or more newspapers of general circulation within the territory proposed to be annexed. The notice shall contain a description of the boundaries of the territory proposed to be annexed and shall state the time and place of the hearing thereon and the fact that any changes in the boundaries of such territory will be considered at such time and place. At such hearing or any continuation thereof, any interested person may appear and be heard on all matters relating to the proposed annexation. The metropolitan council may make such changes in the boundaries of the territory proposed to be annexed as it shall deem reasonable and proper, but may not delete any portion of the proposed area which will create an island of included or excluded lands and may not delete a portion of any city. If the metropolitan council shall determine that any additional territory should be included in the territory to be annexed, a second hearing shall be held and notice given in the same manner as for the original hearing. The metropolitan council may adjourn the hearing on the proposed annexation from time to time not exceeding thirty days in all. At the next regular meeting following the conclusion of such hearing, the metropolitan council shall, if it finds that the annexation of such territory will be conducive to the welfare and benefit of the persons and property therein and the welfare and benefit of the persons and property within the metropolitan municipal corporation, adopt a resolution fixing the boundaries of the territory to be annexed and causing to be called a special election on such annexation to be held not more than one hundred twenty days nor less than sixty days following the adoption of such resolution.

35.58.550 ————Election—Favorable vote. An election on the annexation of territory to a metropolitan municipal corporation

shall be conducted and canvassed in the same manner as provided for the conduct of an election on the formation of a metropolitan municipal corporation except that notice of such election shall be published in one or more newspapers of general circulation in the territory proposed to be annexed and the ballot proposition shall be in substantially the following form:

ANNEXATION TO (here insert name of metropolitan municipal corporation).

“Shall the territory described in a resolution of the metropolitan council of (here insert name of metropolitan municipal corporation) adopted on the _____, 19_____, be annexed to such incorporation?”

YES
NO

If a majority of those voting on such proposition vote in favor thereof, the territory shall thereupon be annexed to the metropolitan municipal corporation.

35.58.900 Liberal construction. The rule of strict construction shall have no application to this chapter, but the same shall be liberally construed in all respects in order to carry out the purposes and objects for which this chapter is intended.

Chapter 35.60

WORLD FAIRS OR EXPOSITIONS—PARTICIPATION BY MUNICIPALITIES

35.60.010 “Municipality” defined. “Municipality” as used in this chapter, means any political subdivision or municipal corporation of the state.

35.60.020 Participation, exercise of powers declared public purpose and necessity. The participation of any municipality in any world fair or exposition, whether held within the boundaries of such municipality or within the boundaries of another municipality; the purchase, lease, or other acquisition of necessary lands therefor; the acquisition, lease, construction, improvements, maintenance, and equipping of buildings or other structures upon such lands or other lands; the operation and maintenance necessary for such participation, and the exercise of any other powers herein granted to such municipalities, are hereby declared to be public, governmental, county and municipal functions, exercised for a public purpose, and matters of public necessity, and such lands and other property acquired, constructed, improved, maintained, equipped, used, and disposed of by such municipalities in the manner and for the pur-

poses enumerated in this chapter shall and are hereby declared to be acquired, constructed, improved, maintained, equipped, used, and disposed of for public, governmental, county, and municipal purposes and as a matter of public necessity.

35.60.030 Participation authorized—Powers—Costs. Municipalities are authorized to participate in any world fair or exposition to be held within the state by the state or any political subdivision or municipal corporation thereof, whether held within the boundaries of such municipality or within the boundaries of another municipality. Any municipality so participating is authorized, through its governing authorities, to purchase, lease, or otherwise acquire property, real or personal; to construct, improve, maintain and equip buildings or other structures; and expend moneys for investigations, planning, operations, and maintenance necessary for such participation.

The cost of any such acquisition, construction, improvement, maintenance, equipping, investigations, planning, operation, or maintenance necessary for such participation may be paid for by appropriation of moneys available therefor, gifts, or wholly or partly from the proceeds of bonds of the municipality, as the governing authority of the municipality may determine.

35.60.040 Bonds—Laws applicable to authorization and issuance. Any bonds to be issued by any municipality pursuant to the provisions of RCW 35.60.030, shall be authorized and issued in the manner and within the limitations prescribed by the Constitution and laws of this state or charter of the municipality for the issuance and authorization of bonds thereof for public purposes generally and secured by a general tax levy as provided by law: *Provided*, That the provisions of RCW 39.44.070 and 36.67.040 shall not apply to such bond issues.

35.60.050 Authorization to appropriate funds and levy taxes. The governing bodies having power to appropriate moneys within such municipalities for the purpose of purchasing, leasing or otherwise acquiring property, constructing, improving, maintaining, and equipping buildings or other structures, and the investigations, planning, operation or maintenance necessary to participation in any such world fair or exposition, are hereby authorized to appropriate and cause to be raised by taxation or otherwise in such municipalities, moneys sufficient to carry out such purpose.

35.60.060 Cooperation between municipalities—Use of facilities after conclusion of fair or exposition—Intergovernmental disposition of property. In any case where the participation of a municipality includes the construction of buildings or other structures on lands

of another municipality, the governing authorities constructing such buildings or structures shall endeavor to cooperate with such other municipality for the construction and maintenance of such buildings or structures to a standard of health and safety common in the county where the world fair or exposition is being or will be held; and shall cooperate with such other municipality in any comprehensive plans it may promulgate for the general construction and maintenance of said world fair or exposition and utilization of the grounds and buildings or structures after the conclusion of such world fair or exposition to the end that a reasonable, economic use of said buildings or structures shall be returned for the life of said buildings or structures.

The governing authorities of any municipality are hereby authorized and empowered to sell, exchange, transfer, lease or otherwise dispose of any property, real or personal, acquired or constructed for the purpose of participation in such fair or exposition, in accordance with the provisions of RCW 39.33.010.

35.60.070 Chapter supplemental to other laws. The powers and authority conferred upon municipalities under the provisions of this chapter, shall be construed as in addition and supplemental to powers or authority conferred by any other law, and nothing contained herein shall be construed as limiting any other powers or authority of such municipalities.

Chapter 35.61

METROPOLITAN PARK DISTRICTS

35.61.010 Authority to create—Withdrawal of fourth class municipalities. Cities of the first class and such contiguous property the residents of which may decide in favor thereof in the manner set forth in this chapter may create a metropolitan park district for the management, control, improvement, maintenance, and acquisition of parks, parkways, and boulevards: *Provided*, That no municipal corporation of the fourth class shall be included within such metropolitan park district, and any such fourth class municipal corporation heretofore included within such district is hereby automatically withdrawn.

35.61.020 Election—Petition—Area. At any general election, or at any special election which may be called for that purpose, or at any city election held in the city in all of the various voting precincts thereof, the city council or commission may, or on petition of fifteen percent of the qualified electors of the city based upon the registration for the last preceding general city election, shall

by ordinance, submit to the voters of the city the proposition of creating a metropolitan park district, the limits of which shall be coextensive with the limits of the city as now or hereafter established, inclusive of territory annexed to and forming a part of the city.

Territory by virtue of its annexation to any city having heretofore created a park district shall be deemed to be within the limits of the metropolitan park district.

The city council or commission shall submit the proposition at a special election to be called therefor when the petition so requests.

35.61.030 Election—Declaration of intention—Question stated. In submitting the said question to the voters for their approval or rejection, the city council or commission shall pass an ordinance declaring its intention to submit the proposition of creating a metropolitan park district to the qualified voters of the city. The ordinance shall be published for at least five days in a daily newspaper published in the city, and the city council or commission shall cause to be placed upon the ballot for the election, at the proper place, the proposition which shall be expressed in the following terms:

- "For the formation of a metropolitan park district."
- "Against the formation of a metropolitan park district."

35.61.040 Election—Creation of district. If at an election a majority of the voters voting thereon vote in favor of the formation of a metropolitan park district, the park district shall then be and become a municipal corporation and its name shall be "Metropolitan Park District of (inserting the name of the city)."

35.61.050 Election of commissioners—Terms. At the same election at which the proposition is submitted to the voters as to whether a metropolitan park district is to be formed, five park commissioners shall be elected to hold office respectively for the following terms: In cities of the first class holding general elections for mayor biennially, one commissioner shall be elected to hold office for two years and two for four years and two for six years and their respective successors shall be elected at each biennial election for a term of six years and until their respective successors are elected and qualified. In cities of the first class holding elections every three years two commissioners shall be elected for three years and three commissioners shall be elected for six years and thereafter two and three commissioners, respectively, shall be elected at each general election for a term of six years and until their respective successors are elected and qualified. The term of each nominee for park commissioner shall be expressed on the ballot.

35.61.060 Election of commissioners—Time of—Nomination. The election of metropolitan park commissioners shall be held in conjunction with and in the manner provided by the laws of the state for cities of the first class within which said metropolitan park district may be situated. Nominations for the metropolitan park commissioners shall be by petition of one hundred qualified electors of the park district to be filed in the office of the city clerk for the first election and with the secretary of the metropolitan park district for all succeeding elections. Nominations must be filed and certified as provided by statute for cities and districts.

35.61.070 Election of commissioners—Filling vacancies. In the event of a vacancy caused by death, resignation, or otherwise, it shall be filled by appointment by a majority vote of the remaining commissioners until the next regular election for park commissioners.

35.61.080 Elections—Eligibility of voters. Any elector, who is registered in accordance with the laws of this state entitling him to vote at a general or special election in the city or territory comprised within a metropolitan park district within time to constitute it a good registration for any general or special election of the metropolitan park district, shall be entitled to vote thereat without further or other registration.

35.61.090 Elections—Laws governing. The manner of holding any general or special election in a metropolitan park district shall be in accordance with the laws of this state and charter provisions of the city within which said park district lies insofar as they are not inconsistent with the provisions of this chapter.

35.61.100 Indebtedness limit—Without popular vote. Every metropolitan park district through its board of commissioners may contract indebtedness for park, boulevard, aviation landings, playgrounds and parkway purposes, and the extension and maintenance thereof, not exceeding three-twentieths of one percent of the taxable property in such metropolitan park district. The taxable property shall be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness.

35.61.110 Indebtedness limit—With popular vote. Every metropolitan park district may contract indebtedness in excess of three-twentieths of one percent of the taxable property but not exceeding in amount, together with existing indebtedness, five percent of the taxable property in said district, whenever three-fifths of the voters voting at an election held in the metropolitan park district assent thereto; the election may be either a special or a general election,

and the park commissioners of the metropolitan park district may cause the question of incurring such indebtedness, and issuing negotiable bonds of such metropolitan park district, to be submitted to the qualified voters of the district at any time.

35.61.120 Park commissioners as officers of district—Organization. The officers of a metropolitan park district shall be a board of park commissioners consisting of five members. The board shall annually elect one of their number as president and another of their number as clerk of the board.

35.61.130 Park commissioners—Authority generally. A metropolitan park district has the right of eminent domain, and may purchase, acquire and condemn lands lying within or without the boundaries of said park district, for public parks, parkways, boulevards, aviation landings and playgrounds, and may condemn such lands to widen, alter and extend streets, avenues, boulevards, parkways, aviation landings and playgrounds, to enlarge and extend existing parks, and to acquire lands for the establishment of new parks, boulevards, parkways, aviation landings and playgrounds. The board of park commissioners may pass orders providing for all condemnations which it may desire to institute within its authority, and to bring actions in the proper courts for the condemnation of lands, to employ counsel, and to regulate, manage and control the parks, parkways, boulevards, streets, avenues, aviation landings and playgrounds under its control, and to provide for park policemen, for a secretary of the board of park commissioners and for all necessary employees, to fix their salaries and duties. The board of park commissioners shall have power to improve, acquire, extend and maintain, open and lay out, parks, parkways, boulevards, avenues, aviation landings and playgrounds, within or without the park district, and to authorize, conduct and manage the letting of boats, or other amusement apparatus, the operation of bath houses, the purchase and sale of foodstuffs or other merchandise, the giving of vocal or instrumental concerts or other entertainments, the establishment and maintenance of aviation landings and playgrounds, and generally the management and conduct of such forms of recreation or business as it shall judge desirable or beneficial for the public, or for the production of revenue for expenditure for park purposes; and may pay out moneys for the maintenance and improvement of any such parks, parkways, boulevards, avenues, aviation landings and playgrounds as now exist, or may hereafter be acquired, within or without the limits of said city and for the purchase of lands within or without the limits of said city, whenever it deems the purchase to be for the benefit of the public and for the interest of the park district, and for the maintenance and

improvement thereof and for all expenses incidental to its duties: *Provided*, That all parks, boulevards, parkways, aviation landings and playgrounds shall be subject to the police regulations of the city within whose limits they lie.

35.61.132 Disposition of unsuitable property. Every metropolitan park district may, by unanimous decision of its board of park commissioners, sell, exchange, or otherwise dispose of any real or personal property acquired for park or recreational purposes when such property is no longer suitable for park or other recreational purposes: *Provided*, That where the property is acquired by donation or dedication for park or recreational purposes, the consent of the donor or dedicator, his heirs, successors, or assigns is first obtained. All sales shall be by public bids and sale made only to the highest and best bidder.

35.61.140 Park commissioners—Civil service for employees. A metropolitan park district may establish civil service for its employees by resolution upon the following plan:

(1) It shall create a civil service commission with authority to appoint a personnel officer and to make rules and regulations for classification based upon suitable differences in pay for differences in work, and for like pay for like work, and for competitive entrance and promotional examinations; for certifications, appointments, probationary service periods and for dismissals therein; for demotions and promotions based upon merit and for reemployments, suspensions, transfers, sick leaves and vacations; for lay-offs when necessary according to seniority; for separations from the service by discharge for cause; for hearings and reinstatements, for establishing status for incumbent employees, and for prescribing penalties for violations.

(2) The civil service commission and personnel officer shall adopt rules to be known as civil service rules to govern the administration of personnel transactions and procedure. The rules so adopted shall have the force and effect of law, and, in any and all proceedings, the rules shall be liberally interpreted and construed to the end that the purposes and basic requirements of the civil service system may be given the fullest force and effect.

35.61.150 Park commissioners—Compensation. Metropolitan park commissioners shall perform their duties without compensation.

35.61.160 Park district bonds—Issuance—Sale. If incurring the indebtedness and issuing bonds therefor has been approved by the people, the commissioners of such metropolitan park district may issue the negotiable bonds of such district for the amount of such indebtedness and may dispose of said bonds either in payment of

such indebtedness, or may advertise and sell said bonds in the open market for cash, but in no event shall said bonds be disposed of or negotiated at less than par.

35.61.170 Park district bonds—Terms—Denominations—Form. Metropolitan park district bonds shall be in denominations of not less than one hundred dollars nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer, in not more than twenty years from date of issue, and bear interest at a rate not exceeding five percent per annum, payable annually, with coupons attached, for each interest payment. They shall be numbered from one consecutively and shall be payable in the order of their number beginning with bond numbered one. The bonds shall be payable as therein designated in any city of the United States having a national bank.

The bonds and each coupon shall be signed by the president of the board of park commissioners and shall be attested by the clerk of the board. The bonds shall be printed, engraved, or lithographed on good bond paper, and the bond shall state on its face that it is issued in accordance, and in strict compliance, with an act of the legislature of the state of Washington, entitled: "An act authorizing the formation of metropolitan park districts, providing for park officials, fixing their powers and duties, and declaring an emergency," approved March 11, 1907, and reenacted on March 22, 1943.

35.61.180 Park district bonds—Registration. Before the bonds are delivered to the purchaser, they shall be presented to the county treasurer who shall register them in a book kept for that purpose and known as the "metropolitan park bond register," in which register shall be entered the number of each bond, date of issue and maturity, amount, rate of interest, to whom and when payable. The county treasurer shall receive no compensation other than his regular salary for receiving and disbursing the funds of a metropolitan park district. The board of park commissioners shall keep a register of such bonds similar to that provided for the county treasurer.

35.61.190 Park district bonds—Retirement. Whenever there is money in the metropolitan park district fund and the commissioners of the park district deem it advisable to apply any part thereof to the payment of bonded indebtedness, they shall advertise in a daily newspaper published within said park district for the presentation to them for payment of as many bonds as they may desire to pay with the funds on hand, the bonds to be paid in numerical order, beginning with the lowest number outstanding and called by number.

Thirty days after the first publication of the notice by the board calling in bonds they shall cease to bear interest, and this shall be stated in the notice.

35.61.200 Park district bonds—Payment of coupons. The coupons for the payment of interest on metropolitan park district bonds shall be considered for all purposes as warrants drawn upon the metropolitan park district fund against which the bonds were issued, and when presented after maturity to the treasurer of the county having custody of the fund. If there are no funds in the treasury to pay the coupons, the county treasurer shall endorse said coupons as presented for payment, in the same manner as county warrants are endorsed, and thereafter the coupon shall bear interest at the same rate as the bond to which it was attached.

35.61.210 Park district tax levy—“Park district fund.” 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 of the property in such park district: *Provided*, That notwithstanding the provisions of RCW 84.52.050, the board is hereby authorized to levy a general tax in excess of three mills 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 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.

35.61.220 Petition for improvements on assessment plan. If at any time any proposed improvement of any parkway, avenue, street, or boulevard is deemed by the board of metropolitan park commissioners to be a special benefit to the lands adjoining, contiguous, approximate to or in the neighborhood of the proposed improve-

ment, which lie within the city, the board may so declare, describing the property to be benefited. Thereupon they may petition the city council to cause the improvement contemplated by the commissioners to be done and made on the local assessment plan, and the portion of the cost of the improvement as fixed by such assessment roll to be assessed against the said property so benefited in the same manner and under the same procedure as of other local improvements, and the remainder of the cost of such improvement to be paid out of the metropolitan park district fund.

The board of park commissioners shall designate the kind, manner and style of the improvement to be made, and may designate the time within which it shall be made.

35.61.230 Objections—Appeal. Any person, firm or corporation feeling aggrieved by the assessment against his or its property may file objections with the city council and may appeal from the order confirming the assessment roll in the same manner as objections and appeals are made in regard to local improvements in cities of the first class.

35.61.240 Assessment lien—Collection. The assessment for local improvements authorized by this chapter shall become a lien in the same manner, and be governed by the same law, as is provided for local assessments in cities of the first class and be collected as such assessments are collected.

35.61.250 Territorial annexation—Authority—Petition. The territory adjoining and in the same county with a metropolitan park district may be annexed to and become a part thereof upon petition and an election held pursuant thereto. The petition shall define the territory proposed to be annexed and must be signed by twenty-five registered voters, resident within the territory proposed to be annexed, unless the territory is within the limits of another city when it must be signed by twenty percent of the registered voters residing within the territory proposed to be annexed. The petition must be addressed to the board of park commissioners requesting that the question be submitted to the legal voters of the territory proposed to be annexed, whether they will be annexed and become a part of the park district.

35.61.260 Territorial annexation—Hearing on petition. Upon the filing of an annexation petition with the board of park commissioners, if the commissioners concur in the petition, they shall provide for a hearing to be held for the discussion of the proposed annexation at the office of the board of park commissioners, and shall give due notice thereof by publication at least five days before the hearing in a daily newspaper published in the park district.

35.61.270 Territorial annexation—Election—Method. If the park commissioners concur in the petition, they shall cause the proposal to be submitted to the electors of such territory proposed to be annexed, at an election to be held in such territory, which shall be called, canvassed and conducted in accordance with the general election laws. The board of park commissioners by resolution shall fix a time for the holding of the election to determine the question of annexation, and in addition to the notice required by RCW 29.27-.080 shall give notice thereof by causing notice to be published for five days in five consecutive issues of a daily newspaper published in said park district, and by posting notices in five public places within the territory proposed to be annexed in said district.

The ballot to be used at such election shall be in the following form:

- "For annexation to metropolitan park district."
- "Against annexation to metropolitan park district."

35.61.280 Territorial annexation—Election—Result. The canvassing authority shall cause a statement of the result of such election to be forwarded to the board of park commissioners for entry on the record of the board. If the majority of the votes cast upon that question at the election shall favor annexation, the territory shall immediately become annexed to the park district, and shall thenceforth be a part of the park district, the same as though originally included in the district. The expense of such election shall be paid out of park district funds.

35.61.290 Transfer of city property—Authority. Emergency grant, loan, of funds by city. Any city within or comprising any metropolitan park district may turn over to the park district any lands which it may own, or any street, avenue, or public place within the city for playground, park or parkway purposes, and thereafter its control and management shall vest in the board of park commissioners: *Provided*, That the police regulations of such city shall apply to all such premises.

At any time that any such metropolitan park district is unable, through lack of sufficient funds, to provide for the continuous operation, maintenance and improvement of the parks and playgrounds and other properties or facilities owned by it or under its control, and the legislative body of any city within or comprising such metropolitan park district shall determine that an emergency exists requiring the financial aid of such city to be extended in order to provide for such continuous operation, maintenance and/or improvement of parks, playgrounds facilities, other properties, and programs of such park district within its limits, such city may grant or loan to such metropolitan park district such of its avail-

able funds, or such funds which it may lawfully procure and make available, as it shall find necessary to provide for such continuous operation and maintenance and, pursuant thereto, any such city and the board of park commissioners of such district are authorized and empowered to enter into an agreement embodying such terms and conditions of any such grant or loan as may be mutually agreed upon.

The board of metropolitan park commissioners may accept public streets of the city and grounds for public purposes when donated for park, playground, boulevard and park purposes.

35.61.300 Transfer of city property—Assumption of indebtedness. When any metropolitan park district shall be formed pursuant to this chapter and shall assume control of the parks, parkways, boulevards, and park property of the city in which said park district is created, such park district shall assume all existing indebtedness, bonded or otherwise, against such park property, and shall arrange by taxation or issuing bonds, as herein provided, for the payment of such indebtedness, and shall relieve such city from such payment. Said park district is hereby given authority to issue refunding bonds when necessary in order to enable it to comply with this section.

35.61.310 Dissolution. A board of commissioners of a metropolitan park district may, upon a majority vote of all its members, dissolve any metropolitan park district, prorate the liabilities thereof, and turn over to the city and/or county so much of the district as is respectively located therein, when:

(1) Such city and/or county, through its governing officials, agrees to, and petitions for, such dissolution and the assumption of such assets and liabilities, or;

(2) Ten percent of the voters of such city and/or county who voted at the last general election petition the governing officials for such a vote.

35.61.320 Withdrawal of fourth class municipality—Prior levies and assessments. Any and all taxes or assessments levied or assessed against property located in the municipal corporation of the fourth class automatically withdrawn under RCW 35.61.010 from a metropolitan park district shall remain a lien and be collectible as by law provided when such taxes or assessments are levied or assessed prior to such withdrawal or when such levies or assessments are duly made to provide revenue for the payment of general obligations or general obligation bonds of the metropolitan park district duly incurred or issued prior to such automatic withdrawal.

35.61.330 ———Contracts with district. Any municipal corporation of the fourth class so withdrawn may, through its legislative authority, authorize contracts with the metropolitan park district from which it was withdrawn with respect to the rights, duties, and obligations of the withdrawn municipal corporation as to the ownership of property, services, assets, liabilities, and debts and any other question arising out of the withdrawal, which contract may also make provisions for services by the district and use of the facilities or real estate within such municipal corporation or park district, and the contract may provide for such distribution of any costs or expenses as may be agreed to by the municipal corporation and the district.

35.61.340 ———Disposition of property—Eminent domain. The legislative authority of the municipal corporation of the fourth class so withdrawn may (1) negotiate and agree with the commissioners of the metropolitan park district from which it has been withdrawn as to the disposition of any property, real or personal, or of any right, title, or interest therein including the title, price and conveyance thereof, and (2) such municipal corporation shall also have the right of eminent domain in making a final disposition of any question arising, directly or indirectly, out of the withdrawal, such proceedings to be had in the name of the municipal corporation and in the manner prescribed for cities and towns in chapter 8.12: *Provided*, That nothing herein shall be construed to limit in any way existing powers of the municipal corporation as to condemnation generally.

Chapter 35.62

NAME—CHANGE OF

35.62.010 Authority for. Any city or town may change its name in accordance with the procedure provided in this chapter.

35.62.020 Election—Petition—Ballot. The city or town council may, and upon presentation of a petition signed by not less than fifty electors of such city or town, shall cause to be placed upon the ballot at the next succeeding municipal election the question whether such city or town shall change its name. Such question may be in substantially the following form:

Shall the name of the city (or town) of _____ (insert name) _____ be changed?

YES

NO

35.62.030 Nominations of new name. If the majority of the votes cast upon the proposition favor the change, nominations for a new

name may thereafter, and until twenty days before the next succeeding municipal election, be made by filing with the city or town clerk a nominating petition therefor signed by not less than twenty-five electors of such city or town.

35.62.040 Placing names on election ballot. All names so petitioned for shall be placed upon the ballot at the next succeeding municipal election under the heading:

Proposed names for the city (or town) of.....(insert name).....

Vote for one.

35.62.050 Results—Votes necessary. At the election at which new names for a city or town are voted upon, the name receiving the highest number of votes shall become the name of the city or town at the time when the officers elected at that election begin their terms: *Provided*, That if no name receives forty percent or more of the votes cast upon the proposition the two names receiving the highest votes shall again be submitted at the next succeeding municipal election in the same manner and with the same effect.

35.62.060 Results—Certification. Whenever any city or town has changed its name, the clerk shall certify the new name to the secretary of state prior to the date when the change takes effect.

Chapter 35.63

PLANNING COMMISSIONS

35.63.010 Definitions. As used in this chapter the following terms shall have the meaning herein given them:

“Appointive members” means all members of a commission other than ex officio members;

“Board” means the board of county commissioners;

“City” includes every incorporated city and town;

“Commission” means a city or county planning commission;

“Council” means the chief legislative body of a city;

“Ex officio members” means the members of a commission chosen from among city or county officials;

“Highways” include streets, roads, boulevards, lanes, alleys, viaducts and other traveled ways;

“Mayor” means the chief executive of a city;

“Municipality” includes every county and city.

35.63.020 Commissioners—Manner of appointment. If any council or board desires to avail itself of the powers conferred by this chapter it shall create a city or county planning commission con-

sisting of from three to twelve members to be appointed by the mayor or chairman of the municipality and confirmed by the council or board: *Provided*, That in cities of the first class having a commission form of government consisting of three or more members, the commissioner of public works shall appoint the planning commission, which appointment shall be confirmed by a majority of the city commissioners. Cities of the first class operating under self-government charters may extend the membership and the duties and powers of its commission beyond those prescribed in this chapter.

35.63.030 Commissioners — Number — Tenure — Compensation.

The ordinance, resolution or act creating the commission shall set forth the number of members to be appointed, not more than one-third of which number may be ex officio members by virtue of office held in any municipality. The term of office for ex officio members shall correspond to their respective tenures. The term of office for the first appointive members appointed to such commission shall be designated from one to six years in such manner as to provide that the fewest possible terms will expire in any one year. Thereafter the term of office for each appointive member shall be six years.

Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired term. Members may be removed, after public hearing, by the appointing official, with the approval of his council or board, for inefficiency, neglect of duty or malfeasance in office.

The members shall be selected without respect to political affiliations and they shall serve without compensation.

35.63.040 Commissions — Organization — Meeting — Rules. The commission shall elect its own chairman and create and fill such other offices as it may determine it requires. The commission shall hold at least one regular meeting in each month for not less than nine months in each year. It shall adopt rules for transaction of business and shall keep a written record of its meetings, resolutions, transactions, findings and determinations which record shall be a public record.

35.63.050 Expenditures. The expenditures of any commission or regional commission authorized and established under this chapter, exclusive of gifts, shall be within the amounts appropriated for the purpose by the council or board. Within such limits, any commission may employ such employees and expert consultants as are deemed necessary for its work.

35.63.060 Powers of commissions. The commission may act as the research and fact finding agency of the municipality. To that

end it may make such surveys, analyses, researches and reports as are generally authorized or requested by its council or board, or by the state with the approval of its council or board. The commission, upon such request or authority may also:

(1) Make inquiries, investigations, and surveys concerning the resources of the county;

(2) Assemble and analyze the data thus obtained and formulate plans for the conservation of such resources and the systematic utilization and development thereof;

(3) Make recommendations from time to time as to the best methods of such conservation, utilization, and development;

(4) Cooperate with other commissions and with other public agencies of the municipality, state and United States in such planning, conservation, and development; and

(5) In particular cooperate with and aid the state within its territorial limits in the preparation of the state master plan provided for in RCW 43.21.190 and in advance planning of public works programs.

35.63.070 Regional commissions—Appointment—Powers. The commissions of two or more adjoining counties, of two or more adjacent cities and towns, of one or more cities and towns and/or one or more counties, together with the boards of such counties and the councils of such cities and towns may cooperate to form, organize and administer a regional planning commission for the making of a regional plan for the region defined as may be agreed upon by the commissions, boards and councils. The regional commission when requested by the commissions of its region, may further perform any of the other duties for its region that are specified in RCW 35.63.060 for city and county commissions. The number of members of a regional commission, their method of appointment and the proportion of the cost of regional planning, surveys and studies to be borne respectively by the various counties and cities in the region, shall be such as may be agreed upon by commissions, boards and councils.

Any regional planning commission, or the councils or boards respectively of any city, town, or county, are authorized to receive grants-in-aid from the government of the United States or of any of its agencies, and are authorized to enter into any reasonable agreement with any department or agency of the government of the United States to arrange for the receipt of federal funds for planning in the interest of furthering the planning program.

35.63.080 Restrictions on buildings—Use of land. The council or board may provide for the preparation by its commission and the adoption and enforcement of coordinated plans for the physical

development of the municipality. For this purpose the council or board, in such measure as is deemed reasonably necessary or requisite in the interest of health, safety, morals and the general welfare, upon recommendation by its commission, by general ordinances of the city or general resolution of the board, may regulate and restrict the location and the use of buildings, structures and land for residence, trade, industrial and other purposes; the height, number of stories, size, construction and design of buildings and other structures; the size of yards, courts and other open spaces on the lot or tract; the density of population; the set-back of buildings along highways, parks or public water frontages; and the subdivision and development of land. A council where such ordinances are in effect, may, on the recommendation of its commission provide for the appointment of a board of adjustment, to make, in appropriate cases and subject to appropriate conditions and safeguards established by ordinance, special exceptions in harmony with the general purposes and intent and in accordance with general or specific rules therein contained.

35.63.090 Restrictions—Purposes of. All regulations shall be worked out as parts of a comprehensive plan which each commission shall prepare for the physical and other generally advantageous development of the municipality and shall be designed, among other things, to encourage the most appropriate use of land throughout the municipality; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements.

35.63.100 Restrictions—Recommendations of commission—Hearings. The commission may recommend to its council or board the plan prepared by it as a whole, or may recommend parts of the plan by successive recommendations; the parts corresponding with geographic or political sections, division or subdivisions of the municipality, or with functional subdivisions of the subject matter of the plan, or in the case of counties, with suburban settlement or arterial highway area. It may also prepare and recommend any amendment or extension thereof or addition thereto.

Before the recommendation of the initial plan to the municipality the commission shall hold at least one public hearing thereon,

giving notice of the time and place by one publication in a newspaper of general circulation in the municipality and in the official gazette, if any, of the municipality. A copy of the ordinance or resolution adopting or embodying such plan or any part thereof or any amendment thereto, duly certified as a true copy by the clerk of the municipality, shall be filed with the county auditor. A like certified copy of any map or plat referred to or adopted by the ordinance or resolution shall likewise be filed with the county auditor. The auditor shall record the ordinance or resolution and keep on file the map or plat.

35.63.110 Restrictive zones. For any or all of such purposes the council or board, on recommendation of its commission, may divide the municipality or any portion thereof into districts of such size, shape and area, or may establish such official maps, or development plans for the whole or any portion of the municipality as may be deemed best suited to carry out the purposes of this chapter and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

35.63.120 Supplemental restrictions—Hearing—Affirmance, disaffirmance, modification of commission's decision. Any ordinance or resolution adopting any such plan or regulations, or any part thereof, may be amended, supplemented or modified by subsequent ordinance or resolution.

Proposed amendments, supplementations, or modifications shall first be heard by the commission and the decision shall be made and reported by the commission within ninety days of the time that the proposed amendments, supplementations, or modifications were made.

The council or board, pursuant to public hearing called by them upon application therefor by any interested party or upon their own order, may affirm, modify or disaffirm any decision of the commission.

Chapter 35.66

POLICE MATRONS

35.66.010 Authority to establish. There shall be annexed to the police force of each city in this state having a population of not less than ten thousand inhabitants one or more police matrons who, subject to the control of the chief of police or other proper officer, shall have the immediate care of all females under arrest and while detained in the city prison until they are finally discharged therefrom.

35.66.020 Appointment. The police matron or matrons employed or appointed in accordance with the provisions of this chapter shall be employed or appointed in the same manner as other regular members of the police departments in the city where the appointment is made.

35.66.030 Assistance by police. Any person on the police force or, in their absence, any other person present, must aid and assist the matron when from necessity she may require it.

35.66.040 Compensation. A police matron must be paid such compensation for her services as shall be fixed by the city council and at such time as may be appointed for the payment of policemen.

35.66.050 Women—Separate quarters. For the purpose of effecting the main object of this chapter, no female under arrest shall be confined in the same cell or apartment of the city jail or prison, with any man whatever.

Chapter 35.67

SEWERAGE SYSTEMS—REFUSE COLLECTION AND DISPOSAL

35.67.010 Definitions—“System of sewerage,” “Public utility.” A “system of sewerage” means and includes:

- (1) Sanitary sewage disposal sewers;
- (2) Combined sanitary sewage disposal and storm or surface water sewers;
- (3) Storm or surface water sewers when the acquisition, construction, or installation, and the maintenance, conduct and operation of the same is found to be necessary by the legislative body of the city or town for the proper and efficient operation of a system of sanitary sewage disposal and treatment or the proper and efficient operation of a combined system of sanitary sewage and storm or surface water disposal and treatment;
- (4) Outfalls for storm or sanitary sewage and works, plants, and facilities for sanitary sewage treatment and disposal, or
- (5) Any combination of or part of any or all of such facilities.

The words “public utility” when used in this chapter shall have the same meaning as the words “system of sewerage.”

35.67.020 Authority to construct system and fix rates and charges—Classification of services. Every city and town may construct, condemn and purchase, acquire, add to, maintain, conduct, and operate systems of sewerage and systems and plants for refuse collection and disposal together with additions, extensions, and

betterments thereto, within and without its limits, with full jurisdiction and authority to manage, regulate, and control them and to fix, alter, regulate, and control the rates and charges for the use thereof: *Provided*, That the rates charged must be uniform for the same class of customers or service. In classifying customers served or service furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the system, including but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction.

35.67.030 Adoption of plan—Ordinance—Election—Vote required. Whenever the legislative body of any city or town, shall deem it advisable that such city or town shall purchase, acquire or construct any public utility mentioned in RCW 35.67.020, or make any additions and betterments thereto, or extensions thereof, such legislative body shall provide therefor by ordinance, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof as near as may be, and the same shall be submitted for ratification or rejection to the qualified voters of such city or town at a general or special election, except in the following cases where no submission shall be necessary:

(1) When the adoption of a system of sewerage or system for collection and disposal of refuse, and the construction and operation of same, has been required and ordered by the state board of health.

(2) When no general indebtedness is to be incurred by such city or town in the acquiring, construction, maintenance or operation of such public utility, or when the work proposed is an addition or extension thereto or betterment thereof for which no general indebtedness is to be incurred by such city or town.

If a 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 shall be adopted and assented to by a three-fifths majority of the qualified voters of such city or town voting at said election. Ten days' notice of such election shall be given in the newspaper doing the city or town printing, by publication in each issue of said paper during said time: *Provided, however*, That where the proposition to be submitted includes a proposed levy of taxes in excess

of the levy to which the same is or may be limited by statute or the Constitution of the state of Washington without a vote of the people, then the procedure to be followed in the holding of such election shall be as prescribed by such statutory or constitutional provision regulating the holding of special elections authorizing levies in excess of such limitation.

35.67.070 General indebtedness bonds—When issued. If the state board of health has ordered the adopting of and construction and operation of such system of sewerage or system for collection and disposal of refuse or the proposition has been adopted by vote of the people, who have authorized a general indebtedness therefor, general city or town bonds may be issued.

35.67.080 General indebtedness bonds—Terms—Denominations. The bonds shall: (1) Be registered or coupon bonds, (2) be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, (3) be numbered from one upwards consecutively, (4) bear the date of their issue, (5) be serial in form finally maturing not more than thirty years from date, (6) bear interest not exceeding six percent per annum, payable annually or semiannually, with interest coupons attached, and the principal and interest shall be made payable at such place as may be designated.

35.67.090 General indebtedness bonds—Signatures—Form. The bonds and each coupon shall be signed by the mayor and attested by the clerk, and the seal of such city or town shall be affixed to each bond, but not the coupons. Signatures on the coupons may be printed or lithographic facsimile of the signatures of said officials. Said bonds shall be printed, engraved or lithographed, on good bond paper.

35.67.100 General indebtedness bonds—Sale of. The proceedings relative to the sale of bonds shall be those prescribed by RCW 39.44.030-39.44.060 as now or hereafter amended.

35.67.110 General Indebtedness—Payment of bonds—Tax levy—Earnings. There shall be levied each year upon all taxable property within the city or town a tax sufficient to pay the interest on the bonds and the principal thereof as the same matures. These taxes shall become due and collectible as other taxes. In addition thereto the city or town legislative body, may set aside into a special fund any sums or amounts which may accrue from the collection of service rates and charges for the private and public use of said sewerage system or systems for the collection and disposal of refuse, in excess of the cost of operation and maintenance

thereof as constructed or added to, and the same shall be applied solely to the payment of such interest and bonds. If the rates and charges are sufficient therefor no general tax need be levied.

35.67.120 Revenue bond fund—Authority to establish. After the city or town legislative body adopts a proposition for any such public utility, and either (1) no general indebtedness has been authorized, or (2) the city or town legislative body does not desire to incur a general indebtedness, and the legislative body can lawfully proceed without submitting the proposition to a vote of the people, it may create a special fund or funds for the sole purpose of defraying the cost of the proposed system, or additions, betterments or extensions thereto.

The city or town legislative body may obligate the city or town to set aside and pay into this special fund: (1) A fixed proportion of the gross revenues of the system, or (2) a fixed amount out of and not exceeding a fixed proportion of the gross revenues, or (3) a fixed amount without regard to any fixed proportion.

35.67.130 Revenue bond fund—Limitations upon creation. In creating the special fund, the city or town legislative body shall have due regard to the cost of operation and maintenance of the system as constructed or added to, and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants and other indebtedness. It shall not set aside into the special fund a greater amount or proportion of the revenue and proceeds than in its judgment will be available over and above the cost of maintenance and operation and the amount or proportion of the revenue so previously pledged.

35.67.140 Revenue bonds—Authority—Denominations—Terms. A city may issue revenue bonds against the special fund or funds created solely from revenues. The revenue bonds so issued shall: (1) Be registered or coupon bonds, (2) be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, (3) be numbered from one upwards consecutively, (4) bear the date of their issue, (5) be serial in form finally maturing not more than thirty years from their date, (6) bear interest not exceeding the rate of six percent per annum, payable annually or semi-annually, with interest coupons attached, (7) be payable as to principal and interest at such place as may be designated therein, and (8) shall state upon their face that they are payable from a special fund, naming it and the ordinance creating it.

35.67.150 Revenue bonds—Signatures—Form. Every revenue bond and coupon shall be signed by the mayor and attested by the clerk. The seal of the city or town shall be attached to all bonds

but not to the coupons. Signatures on the coupons may be printed or may be the lithographic facsimile of the signatures. The bonds shall be printed, engraved or lithographed upon good bond paper.

35.67.160 Revenue bonds—Obligation against fund, not city. Revenue bonds or warrants and interest shall be payable only out of the special fund. Every bond or warrant and interest thereon issued against the special fund shall be a valid claim of the holder thereof only as against that fund and its fixed proportion of the amount of revenue pledged to the fund, and shall not constitute an indebtedness of the city or town. Every warrant as well as every bond shall state on its face that it is payable from a special fund, naming it and the ordinance creating it.

35.67.170 Revenue bonds—Sale of—Other disposition. Revenue bonds and warrants may be sold in any manner the city or town legislative body deems for the best interests of the city or town. The legislative body may provide in any contract for the construction or acquisition of a proposed utility that payment therefor shall be made only in revenue bonds and warrants at their par value.

35.67.180 Revenue bonds—Remedy of holders. If a city fails to set aside and pay into the special fund created for the payment of revenue bonds and warrants the amount which it has obligated itself in the ordinance creating the fund to set aside and pay therein, the holder of any bond or warrant issued against the fund may bring suit against the city or town to compel it to do so.

35.67.190 Revenues from system—Classification of services—Minimum rates—Compulsory use. The legislative body of such city or town may provide by ordinance for revenues by fixing rates and charges for the furnishing of service to those served by its system of sewerage or system for refuse collection and disposal, which rates and charges shall be uniform for the same class of customer or service. In classifying customers served or service furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the system, including but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction.

If special indebtedness bonds or warrants are issued against the

revenues, the legislative body shall by ordinance fix charges at rates which will be sufficient to take care of the costs of maintenance and operation, bond and warrant principal and interest, sinking fund requirements, and all other expenses necessary for efficient and proper operation of the system.

All property owners within the area served by such sewerage system shall be compelled to connect their private drains and sewers with such city or town system, under such penalty as the legislative body of such city or town may by ordinance direct. Such penalty may in the discretion of such legislative body be an amount equal to the charge that would be made for sewer service if the property was connected to such system. All penalties collected shall be considered revenue of the system.

35.67.192 Storm or surface water sewers—Revenues, charges—Combining with water system. In the event revenue bonds of any city or town are issued to provide funds to pay part or all of the cost of acquiring, constructing, or installing storm or surface water sewers, or any part thereof necessary for the proper and efficient operation of a system of sanitary sewage disposal and treatment, or the proper and efficient operation of a combined system of sanitary sewage and storm or surface water disposal and treatment, the principal of and interest on such bonds may only be paid from revenues derived from charges made for sanitary sewage disposal service, and charges may not be made for storm or surface water removal. The words "system of sewerage" and "sewerage system" where the same are used in RCW 35.67.190 shall not embrace "system of sewerage" as it is defined in RCW 35.67.010 applicable to storm or surface water sewers, or facilities therefor, only. When storm or surface water sewers only, or outfalls, or facilities therefor, are acquired, constructed, or installed as authorized in RCW 35.67.010, the same may not be combined with, and made a part of, the water system of any city or town as provided in RCW 35.67.320 through 35.67.340 unless such city or town has other sewer lines and facilities that carry, treat, or dispose of both sanitary sewage and storm or surface waters in the same lines or plant.

35.67.194 Revenue bonds validated. Any and all water, sewer, or water and sewer revenue bonds part or all of which may have been heretofore (prior to June 8, 1955) issued by any city or town for the purpose of providing funds to pay part or all of the cost of acquiring, constructing, or installing a system of storm or surface water sewers or any part thereof necessary for the proper and efficient operation of a system of sanitary sewage disposal sewers or a sanitary sewage treatment plant, the proceedings for the issuance of which were valid in all other respects, are approved, ratified and

validated, and are declared to be legal and binding obligations of such city or town, both principal of and interest on which are payable only out of the revenues of the utility or utilities pledged for such payment.

35.67.200 Sewerage lien—Authority. Cities and towns owning their own sewer systems shall have a lien for delinquent and unpaid rates and charges for sewer service, penalties levied pursuant to RCW 35.67.190, and connection charges, including interest thereon, against the premises to which such service has been furnished or is available, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. The city or town by ordinance may provide that delinquent charges shall bear interest at not exceeding eight percent per annum.

35.67.210 Sewerage lien—Extent—Notice. The sewerage lien shall be effective for a total of not to exceed six months' delinquent charges without the necessity of any writing or recording. In order to make such lien effective for more than six months' charges the city or town treasurer, clerk, or official charged with the administration of the affairs of the utility shall cause to be filed for record in the office of the county auditor of the county in which such city or town is located, a notice in substantially the following form:

“Sewerage lien notice

City (or town) of

vs.

..... reputed owner.

Notice is hereby given that the city (or town) of
 has and claims a lien for sewer charges against
 the following described premises situated in
 county, Washington, to wit:

(here insert legal description of premises)

Said lien is claimed for not exceeding six months such charges and interest now delinquent, amount to \$....., and is also claimed for future sewerage charges against said premises.

Dated

City (or town) of

By”

The lien notice may be signed by the city or town treasurer or clerk or other official in charge of the administration of the utility. The lien notice shall be recorded as prescribed by law for the recording of mechanics' liens.

35.67.220 Sewerage lien foreclosure—Parts—Tracts. The city or town may foreclose its sewerage lien in an action in the superior court. All or any of the tracts subject to the lien may be proceeded against in the same action, and all parties appearing of

record as owning or claiming to own, having or claiming to have any interest in or lien upon the tracts involved in the action shall be impleaded in the action as parties defendant.

35.67.230 Sewerage lien foreclosure—Limitation on time of commencement. An action to foreclose a sewerage lien pursuant to a lien notice filed as required by law must be commenced within two years from the date of the filing thereof.

An action to foreclose a six months' lien may be commenced at any time after six months subsequent to the furnishing of the sewerage service for which payment has not been made.

35.67.240 Sewerage lien foreclosure—Procedure. The service of summons, and all other proceedings except as herein otherwise prescribed including appeal, order of sale, sale, redemption, and issuance of deed, shall be governed by the statutes now or hereafter in force relating to the foreclosure of mortgages on real property. The terms "judgment debtor" or "successor in interest" in the statutes governing redemption when applied herein shall include an owner or a vendee.

35.67.250 Sewerage lien foreclosure—Trial. A sewerage lien foreclosure action shall be tried before the court without a jury. The court may allow in addition to interest on the service charges at a rate not exceeding eight percent per year from date of delinquency, costs and disbursements as provided by statute and such attorneys' fees as the court may adjudge reasonable.

If the owners and parties interested in any particular tract default, the court may enter judgment of foreclosure and sale as to such parties and tracts and the action may proceed as to the remaining defendants and tracts. The judgment shall specify separately the amount of the sewerage charges, with interest, penalty and costs chargeable to each tract. The judgment shall have the effect of a separate judgment as to each tract described in the judgment, and any appeal shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. In the judgment the court shall order the tracts therein described sold at one general sale, and an order of sale shall issue pursuant thereto for the enforcement of the judgment. Judgment may be entered as to any one or more separate tracts involved in the action, and the court shall retain jurisdiction of other properties.

35.67.260 Sewerage lien foreclosure—Redemption. All sales shall be subject to the right of redemption within one year from date of sale.

35.67.270 Sewerage sale acquired property—Disposition. At any time after deed is issued to it pursuant to lien, a city or town may

lease or sell or convey any property at public or private sale for such price and on such terms as may be determined by resolution of the city or town legislative body, any provision of law, charter or ordinance to the contrary notwithstanding.

35.67.280 Sewerage sale acquired property—Payment of delinquent taxes. After the entry of judgment of foreclosure against any tract, the city or town may pay delinquent general taxes or purchase certificates of delinquency for general taxes on the tract or purchase the tract at county tax foreclosure or from the county after foreclosure.

After entry of judgment of foreclosure against any premises the city or town may pay local or special assessments which are delinquent or are about to become delinquent and if the tract has been foreclosed upon for local or special assessments and the time for redemption has not expired, it may redeem it.

No moneys shall be expended for the purposes enumerated in this section except upon enactment by the city or town legislative body of a resolution determining the desirability or necessity of making the expenditure.

35.67.290 Sewerage lien—Enforcement—Alternative method. As an additional and concurrent method of enforcing the lien authorized in this chapter any city or town operating its own municipal water system may provide by ordinance for the enforcement of the lien by cutting off the water service from the premises to which such sewer service was furnished after the charges become delinquent and unpaid, until the charges are paid.

The right to enforce the lien by cutting off and refusing water service shall not be exercised after two years from the date of the recording of sewerage lien notice except to enforce payment of six months' charges for which no lien notice is required to be recorded.

35.67.300 Sewer districts and municipalities—Joint agreements. Any city, town, or organized and established sewer district owning or operating its own sewer system, whenever topographic conditions shall make it feasible and whenever such existing sewer system shall be adequate therefor in view of the sewerage and drainage requirements of the property in such city, town, or sewer district, served or to be served by such system, may contract with any other city, town, or organized and established sewer district for the discharge into its sewer system of sewage from all or any part or parts of such other city, town, or sewer district upon such terms and conditions and for such periods of time as may be deemed reasonable.

Any city, town, or organized and established sewer district may contract with any other city, town, or organized and established sewer district for the construction and/or operation of any sewer or sewage disposal facilities for the joint use and benefit of the contracting parties upon such terms and conditions and for such period of time as the governing bodies of the contracting parties may determine. Any such contract may provide that the responsibility for the management of the construction and/or maintenance and operation of any sewer disposal facilities or part thereof covered by such contract shall be vested solely in one of the contracting parties, with the other party or parties thereto paying to the managing party such portion of the expenses thereof as shall be agreed upon.

35.67.310 Sewers—Outside city connections. Every city or town may permit connections with any of its sewers, either directly or indirectly, from property beyond its limits, upon such terms, conditions and payments as may be prescribed by ordinance, which may be required by the city or town to be evidenced by a written agreement between the city or town and the owner of the property to be served by the connecting sewer.

If any such agreement is made and filed with the county auditor of the county in which said property is located, it shall constitute a covenant running with the land and the agreements and covenants therein shall be binding on the owner and all persons subsequently acquiring any right, title or interest in or to said property.

If the terms and conditions of the ordinance or of the agreement are not kept and performed, or the payments made, as required, the city or town may disconnect the sewer and for that purpose may at any time enter upon any public street or road or upon said property.

35.67.320 Waterworks—Sewerage system made part of without popular vote. A city or town operating its own municipal water system may by ordinance provide for the construction of a system of sewerage or additions, extensions, and betterments to an existing system and provide that the system of sewerage, including the additions, extensions, and betterments thereto shall become a part of its water system and that the cost of construction, maintenance, and operation shall be chargeable to the waterworks system, if in the judgment of the city or town legislative body the public health is being endangered by lack of a system of sewerage or the inadequacy of the existing system and that the danger to the public health may be abated by the proposed construction, addition, extension, or betterment: *Provided*, That if a general indebtedness is to be incurred to pay a part or all of the cost of construction, mainte-

nance, or operation, it shall not be incurred without first being authorized by a vote of the people.

35.67.330 Waterworks—Sewerage system made part of by popular vote. In any event any city or town may also by a vote of the people authorize its system of sewerage to be operated as a part of and as belonging to its waterworks utility whether or not danger to the public health be involved. The proposition authorizing such operation may be submitted to the voters at a special or general election in the manner as provided in RCW 35.67.030. If a majority of the voters voting at such election shall vote in favor of such proposition, then the same shall be deemed to have carried: *Provided, however,* If at such election there shall also be submitted to the voters any proposition authorizing the incurring of a general indebtedness for the construction of such system of sewerage or of additions, extensions or betterments thereto and such proposition fail to carry by the majority vote required by RCW 35.67.030 in order to incur such indebtedness, then the proposition authorizing the operation of the system of sewerage as a part of the waterworks utility shall be deemed to have failed of passage: *Provided further,* That the rejection by the voters of a proposition under this section shall not prevent the city or town in a proper case from proceeding under RCW 35.67.320.

35.67.340 Waterworks statutes to govern joint operation. The operation of a city or town waterworks system of which the system of sewerage has been made a part shall thereafter be governed by the statutes relating to the establishment and maintenance of city and town waterworks systems.

35.67.350 Penalty for sewer connection without permission. It is unlawful and a misdemeanor to make or cause to be made or to maintain any sewer connection with any sewer of any city or town, or with any sewer which is connected directly or indirectly with any sewer of any city or town without having permission from the city or town.

Chapter 35.68

SIDEWALKS, GUTTERS, CURBS, AND DRIVEWAYS— ALL CITIES AND TOWNS

35.68.010 Authority conferred. Any city or town, hereinafter referred to as city, is authorized to construct, reconstruct, and repair sidewalks, gutters and curbs along and driveways across sidewalks, which work is hereafter referred to as the improvement, and to pay the costs thereof from any available funds, or to require the

abutting property owner to construct the improvement at his own cost or expense, or to assess all or any portion of the costs thereof against the abutting property owner.

35.68.020 Resolution—Contents. No such improvement shall be undertaken or required except pursuant to a resolution of the council or commission of the city or town, hereinafter referred to as the city council. The resolution shall state whether the cost of the improvement shall be borne by the city or whether all or a specified portion shall be borne by the city or whether all or a specified portion shall be borne by the abutting property owner; or whether the abutting owner is required to construct the improvement at his own cost and expense. If the abutting owner is required to construct the improvement the resolution shall specify the time within which the construction shall be commenced and completed; and further that if the improvement or construction is not undertaken and completed within the time specified that the city will perform or complete the improvement and assess the cost against the abutting owner.

35.68.030 Resolution—Publication—Notice—Hearing. If all or any portion of the cost is to be assessed against the abutting property owner, or if the abutting property owner is required to construct the improvement, the resolution shall fix a time from and after its passage, and a place, for hearing on the resolution. The resolution shall be published for two consecutive weeks before the time of hearing in the official newspaper or regularly published official publication of the city or town and a notice of the date of such hearing shall be given each owner or reputed owner of the abutting property by mailing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer, at the address shown thereon a notice of the date of hearing, such mailing to be at least ten days before the date fixed for such hearing. If there be no official newspaper or official publication in the city the resolution may be published in any newspaper of general circulation therein. If the publication and mailing is made as herein required, proof thereof by affidavit shall be filed with the city clerk, comptroller or auditor of the city before the hearing. The hearing may be postponed from time to time to a definite date until the hearing is held. At the time of hearing the council shall hear persons who appear for or against the improvement, and determine whether it will or will not proceed with the improvement and whether it will make any changes in the original plan, and what the changes shall be. This action may be taken by motion adopted in the usual manner.

35.68.040 "Sidewalk construction fund." When all or any portion of the cost is to be assessed against the abutting property owner, the city council may create a "sidewalk construction fund No." to be numbered differently for each improvement; and with warrants drawn on this fund the cost of the respective improvements may be paid. The city may advance as a loan to the sidewalk construction fund from any available funds the amounts necessary to pay any costs of the improvement. When any assessments are made for the improvement, payments therefor shall be paid into the particular sidewalk improvement fund; and whenever any funds are available over the amounts necessary to pay outstanding warrants any advances or loans made to the fund shall be repaid. Whenever warrants are drawn on any such fund which are not paid for want of sufficient funds, they shall be so stamped and shall bear interest until called and paid at a rate established by the city council by resolution.

35.68.050 Assessment roll — Hearing — Notice — Confirmation — Appeal. Where all or any portion of the costs are to be assessed against the abutting property, an assessment roll shall be prepared by the proper city official or by the city council which shall to the extent necessary be based on benefits and which shall describe the property assessed, the name of the owner, if known, otherwise stating that the owner is unknown and fixing the amount of the assessment. The assessment roll shall be filed with the city clerk, and when so filed the council shall by resolution fix a date for hearing thereon and direct the clerk to give notice of such hearing and the time and place thereof. The notice of hearing shall be mailed to the person whose name appears on the county treasurer's tax roll as the owner or reputed owner of the property, at the address shown thereon, and shall be published before the date fixed for the hearing for two consecutive weeks in the official newspaper or regular official publication of the city, or if there is no official newspaper or official publication, in a newspaper of general circulation in the city. The notice shall be mailed and first publication made at least ten days before the hearing date. Proof of mailing and publication shall be made by affidavit and shall be filed with the city clerk before the date fixed for the hearing. Following the hearing the city council shall by ordinance affirm, modify, or reject or order recasting of the assessment roll. An appeal may be taken to the superior court from the ordinance confirming the assessment roll in the same manner as is provided for appeals from the assessment roll by chapters 35.43 to 35.54 RCW, inclusive, as now or hereafter amended.

35.68.060 Method of payment of assessments. The city council shall by resolution provide whether the full amount of the assess-

ment shall be paid in one payment or whether it may be paid in installments and shall prescribe the time and amount of such payments; and if more than one payment is provided for, the city council may by resolution provide for interest on unpaid installments and fix the rate thereof.

35.68.070 Collection of assessments. The assessment roll as affirmed or modified by the city council shall be filed with the city treasurer for collection, and the amount thereof including interest, if any, shall become a lien against the property described therein from the date of such filing. Whenever any payment on any assessment or installment is delinquent and unpaid for a period of thirty days or more the lien may be foreclosed in the same manner and with the same effect as is provided by chapters 35.43 to 35.54 RCW, inclusive; as now or hereafter amended. Whenever the deed is issued after the sale therein provided, the regularity, validity and correctness of the proceedings relating to such improvement and the assessment therefor shall be final and conclusive and no action shall thereafter be brought by or in behalf of any person to set aside said deed.

35.68.080 Construction of chapter. This chapter is supplemental and additional to any and all other laws relating to construction, reconstruction, and repair of sidewalks, gutters, and curbs along driveways across sidewalks in cities and towns.

Chapter 35.69

SIDEWALKS—CONSTRUCTION, RECONSTRUCTION IN FIRST, SECOND AND THIRD CLASS CITIES

35.69.010 Definitions. The term "street" as used herein includes boulevard, avenue, street, alley, way, lane, square or place.

The term "city" includes any city of the first, second or third class or any other city of equal population working under a special charter.

The term "sidewalk" includes any and all structures or forms of street improvement included in the space between the street margin and the roadway.

35.69.020 Resolution of necessity—Liability of abutting property. Whenever a portion, not longer than one block in length, of any street in any city is not improved by the construction of a sidewalk thereon, or the sidewalk thereon has become unfit or unsafe for purposes of public travel, and such street adjacent to both ends of said portion is so improved and in good repair, and the city council of such city by resolution finds that the improvement of

such portion of such street by the construction or reconstruction of a sidewalk thereon is necessary for the public safety and convenience, the duty, burden, and expense of constructing or reconstructing such sidewalk shall devolve upon the property directly abutting upon such portion: *Provided*, That such abutting property shall not be charged with any costs of construction or reconstruction under this chapter in excess of fifty percent of the valuation of such abutting property, exclusive of improvements thereon, according to the valuation last placed upon it for purposes of general taxation.

35.69.030 Notice to owners—Service—Contents—Assessment—Collection. Whenever the city council of any such city has adopted such resolution it shall cause a notice to be served on the owner of the property directly abutting on such portion of such street, instructing him to construct or reconstruct a sidewalk on such portion in accordance with the plans and specifications which shall be attached to such notice. The notice shall be deemed sufficiently served if delivered in person to the owner or if left at the home of such owner with a person of suitable age and discretion then resident therein, or with an agent of such owner, authorized to collect rentals on such property, or, if the owner is a nonresident of the state of Washington, by mailing a copy to his last known address, or if he is unknown or if his address is unknown, then by posting a copy in a conspicuous place at such portion of the street where the improvement is to be made. The notice shall specify a reasonable time within which such construction or reconstruction shall be made, and shall state that in case the owner fails to make the same within such time, the city will proceed to make it through the officer or department thereof charged with the inspection of sidewalks and that such officer or department will report to the city council, at a subsequent date, to be definitely stated in the notice, an assessment roll showing the lot or parcel of land directly abutting on such portion of the street so improved, the cost of the improvement, and the name of the owner, if known, and that the city council at the time stated in the notice or at the time or times to which the same may be adjourned, will hear any and all protests against the proposed assessment. Upon the expiration of the time fixed within which the owner is required to construct or reconstruct such sidewalk, if the owner has failed to perform such work, the city may proceed to perform it, and the officer or department of the city performing the work shall, within the time fixed in the notice, report to the city council an assessment roll showing the lot or parcel of land directly abutting on that portion of the street so improved, the cost of the work, and the name of the owner, if known. The city council shall, at the time

in such notice designated, or at an adjourned time or times, assess the cost of such improvement against said property and shall fix the time and manner for payment thereof, which said assessment shall become a lien upon said property and shall be collected in the manner as is provided by law for collection of local improvements assessments under this title.

35.69.040 Abutting property defined. For the purposes of this chapter all property having a frontage upon the sides or margins of any street shall be deemed to be abutting property, and such property shall be chargeable, as provided herein, for all costs of construction or reconstruction or any form of sidewalk improvement between the margin of said street and the roadway lying in front of and adjacent to said property.

35.69.050 Construction of chapter. Nothing in this chapter shall be construed to limit or repeal any existing powers of cities with reference to the construction or reconstruction of sidewalks or the improvement or maintenance of streets, but the power and authority herein granted is to be exercised concurrent with or in extension of powers and authority now existing. The legislative authority of any city before exercising the powers and authority herein granted shall, by proper ordinance, provide for the application and enforcement of the same within the limitations herein specified.

Chapter 35.70

SIDEWALKS—CONSTRUCTION IN THIRD CLASS CITIES AND TOWNS

35.70.010 Definitions. For the purposes of this chapter all property having a frontage on the side or margin of any street or other public place shall be deemed abutting property, and such property shall be chargeable, as provided in this chapter, with all costs of construction of any form of sidewalk improvement, between the margin of said street or other public place and the roadway lying in front of and adjacent to said property, and the term sidewalk as used in this chapter shall be construed to mean and include any and all structures or forms of improvement included in the space between the street margin and the roadway known as the sidewalk area.

35.70.020 Owners' responsibility. In all cities of the third class and towns the burden and expense of constructing sidewalks along the side of any street or other public place shall devolve upon and be borne by the property directly abutting thereon.

35.70.030 Convenience and necessity reported by superintendent.

If in the judgment of the officer or department having superintendence of streets and public places, public convenience or safety requires that a sidewalk be constructed along either side of any street, he shall report the fact to the city or town council immediately.

35.70.040 Council's resolution and notice—Adoption. If upon receiving a report from the proper officer, the city or town council deems the construction of the proposed sidewalk necessary or convenient for the public it shall by an appropriate resolution order the sidewalk constructed and shall cause a written notice to be served upon the owner of each parcel of land abutting upon that portion and side of the street where the sidewalk is constructed requiring him to construct the sidewalk in accordance with the resolution.

35.70.050 Council's resolution and notice—Contents. The resolution and notice and order to construct a sidewalk shall:

- (1) Describe each parcel of land abutting upon that portion and side of the street where the sidewalk is ordered to be constructed,
- (2) Specify the kind of sidewalk required, its size and dimensions, the method and material to be used in construction,
- (3) Contain an estimate of the cost thereof, and
- (4) State that unless the sidewalk is constructed in compliance with the notice, and within a reasonable time therein specified, the city or town will construct the sidewalk and assess the cost and expense thereof against the abutting property described in the notice.

35.70.060 Notice of resolution and order—Service. The notice shall be served:

- (1) By delivering a copy to the owner or reputed owner of each parcel of land affected, or to the authorized agent of the owners, or
- (2) By leaving a copy thereof at the usual place of abode of such owner in the city or town with a person of suitable age and discretion residing therein, or
- (3) If the owner is a nonresident of the city or town and his place of residence is known by mailing a copy to the owner addressed to his last known place of residence, or
- (4) If the place of residence of the owner is unknown or if the owner of any parcel of land affected is unknown, by publication in two weekly issues of the official newspaper of such city or town or if there be no official newspaper then in any weekly newspaper published in said city or town. Such notice shall specify a reasonable time within which said sidewalk shall be constructed which

in the case of publication of the notice shall not be less than sixty days from the date of the first publication of such notice.

35.70.070 Superintendent to construct and prepare assessment roll. If the notice and order to construct a sidewalk is not complied with within the time therein specified, the officer or department having the superintendence of streets shall proceed to construct said sidewalk forthwith and shall report to the city or town council at its next regular meeting or as soon thereafter as is practicable an assessment roll showing each parcel of land abutting upon the sidewalk, the name of the owner thereof if known, and apportion the cost of said improvement to be assessed against each parcel of such land.

35.70.080 Hearing on assessment roll—Notice. Thereupon the city or town council shall set a date for hearing any protests against the proposed assessment roll and shall cause a notice of the time and place of said hearing to be published for two successive weeks in the official newspaper of said city or town or if there is no official newspaper then in any weekly newspaper published in such city or town, the date of said hearing to be not less than thirty days from the date of the first publication of said notice. At the hearing or at any adjournment thereof the council by ordinance shall assess the cost of constructing the sidewalk against the abutting property in accordance with the benefits thereto.

35.70.090 Lien of assessments and foreclosure. The assessments shall become a lien upon the respective parcels of land and shall be collected in the manner provided by law for the collection of local improvement assessments and shall bear interest at the rate of six percent per annum from the date of the approval of said assessment thereon.

35.70.100 Provisions of chapter not exclusive. This chapter shall not be construed as repealing or amending any provision relating to the improvement of streets or public places by special assessments commonly known as local improvement laws, but shall be considered as additional legislation and auxiliary thereto and the city or town council, of any city of the third class or town before exercising the authority herein granted may by ordinance provide for the application and enforcement of the provisions of this chapter within the limitations herein specified.

Chapter 35.71**PEDESTRIAN MALLS**

35.71.010 Definitions. As used in this chapter, the following terms shall have the meaning herein given to each of them:

“City” means any city or town.

“Chief executive” means the mayor in a mayor-council or commission city and city manager in a council-manager city.

“Corporate authority” means the legislative body of any city.

“Project” means a pedestrian mall project.

“Right of way” means that area of land dedicated for public use or secured by the public for purposes of ingress and egress to abutting property and other public purposes.

“Mall” means an area of land, part of which may be surfaced, landscaped, and used entirely for pedestrian movements, except with respect to governmental functions, utilities, and loading and unloading of goods.

“Mall organization” means a group of property owners, lessors, or lessees in an area that has been organized to consider the establishment, maintenance, and operation of a mall in a given area and persons owning or having any legal or equitable interest in the real property affected by the establishment of the mall.

35.71.020 Establishment declared public purpose—Authority to establish—General powers. The establishment of pedestrian malls is declared to be for a public purpose. Any corporate authority, by ordinance, may establish and regulate any street right of way as a mall, may prohibit, in whole or in part, vehicular traffic on a mall, and may provide for the acquisition of any interest in the right of way necessary to its establishment, and may provide for the determination of legal damages, if any, to abutting property.

35.71.030 Resolution of intention—Traffic limitation—Property owner’s right of ingress and egress. When the corporate authority determines that the public interest, safety, and convenience is best served by the establishment of a mall and that vehicular traffic will not be unduly inconvenienced thereby, it may adopt a resolution declaring its intention to do so, and announcing the intended extent of traffic limitation. Any corporate authority is authorized to limit the utilization of any right of way, except for utilities and governmental functions, provided adequate alternative routes for vehicular movement, and the loading and unloading of goods are established or are available. The abutting property owner’s right of ingress and egress shall be considered to have been satisfied whenever the corporate authority has planned and constructed, or there is available, an alternate route, alleyway, and service driveway.

35.71.040 Plan—Alternate vehicle routes—Off-street parking—Hearing, notice. Before a mall is established, a plan shall be formulated consistent with the city's comprehensive plan, including at least the area of the right of way between two intersecting streets and showing alternate routes outside the mall area upon which any vehicles excluded from using the mall may be accommodated; it may include a provision for on and off-street parking. After the plans have been prepared, the corporate authority shall hold a public hearing thereon, giving notice of time and place at least two weeks in advance of the hearing in a newspaper of general circulation in the city and as required by chapter 42.32 RCW.

35.71.050 Real estate appraisers—Report. The corporate authority is authorized to engage duly qualified real estate appraisers, for the purpose of determining the value, or legal damages, if any, to any person, owning or having any legal or equitable interest in any real property who contends that he would suffer damage if a projected mall were established; in connection therewith the city shall take into account any increment in value that may result from the establishment of the mall. The appraisers shall submit their findings in writing to the chief executive of the city.

35.71.060 Financing methods. The corporate authority may finance the establishment of a mall, including, but not limited to, right of way improvements, traffic control devices, and off-street parking facilities in the vicinity of the mall, by one or more of the following methods or by a combination of any two or more of them:

(1) By creating local improvement districts under the laws applicable thereto in Title 35.

(2) By issuing revenue bonds pursuant to chapter 35.41 RCW, RCW 35.24.305, chapter 35.92 RCW, RCW 35.81.100, and by such other statutes that may authorize such bonds.

(3) By issuing general obligation bonds pursuant to chapter 39.52 RCW, RCW 35.81.115, and by such other statutes and applicable provisions of the state Constitution that may authorize such bonds.

(4) By use of gifts and donations.

(5) General fund and other available moneys: *Provided*, That if any general fund moneys are expended for a mall, provision may be made for repayment thereof to the general fund from money received from the financing of the mall.

The corporate authority may include within the cost of any mall project the expense of moving utilities, or any facility located within a right of way.

35.71.070 Waivers and quitclaim deeds—Rights in right of way. The corporate authority may formulate, solicit, finance and acquire,

purchase, or negotiate the acquisition of waivers and the execution of quitclaim deeds by persons owning or having any legal or equitable interest in the real property affected by the establishment of a mall, conveying the necessary rights to the city to prohibit through vehicular traffic and otherwise limit vehicular access to, and from, such right of way: *Provided*, That the execution of such waivers and quitclaim deeds shall not operate to extinguish the rights of the abutting owner, lessor, or lessee in the right of way, not included in such waiver or quitclaim deed.

35.71.080 Vacating, replatting right of way for mall purposes.

The corporate authority, as an alternate to the preceding methods, may find that the right of way no longer is needed as a right of way. When persons owning or having any legal or equitable interest in the real property affected by a proposed mall, present a petition to the corporate authority for vacating the right of way pursuant to chapter 35.79 RCW, or the corporate authority initiates by resolution such a vacation proceeding, a right of way may be vacated and replatted for mall purposes, and closed to vehicular traffic except as provided in RCW 35.71.030, consistent with the subdivision standards allowed by Title 58, and chapter 35.63 RCW.

35.71.090 "Mall organization"—Powers in general—Directors—Officers. The corporate authority may cause an organization of persons to be known as a "Mall organization" interested in creating a mall in a given area to be formed to provide for consultative assistance to the city with respect to the establishment and administration of a mall. This organization may elect a board of directors of not less than three nor more than twelve members. The board shall elect a president, a vice president, and a secretary from its membership.

35.71.100 Special assessment. After the establishment of the mall, the corporate authority may levy a special assessment on the real property within the area specially benefited by the improvement. Such special levy, if any, shall be for operation and maintenance of the mall and appurtenances thereto, which may not exceed one percent of the aggregate actual valuation of the real property (including twenty-five percent of the actual valuation of the improvements thereon) according to the valuation last placed upon it for purposes of general taxation: *Provided*, That if a mall organization board of directors exists as authorized by RCW 35.71.090, the corporate authority may entertain a recommendation from this organization with respect to such a levy by the corporate authority.

35.71.110 Claims for damages. Following the public hearing on the ordinance to establish a mall any person owning or having any legal or equitable interest in property which might be affected by reason of the establishment of the proposed mall or the board of directors of a mall organization shall, within twenty days of such hearing, file with the city clerk a statement describing the real property as to which the claim is made, the nature of the claimant's interest therein, the nature of the alleged damage thereto and the amount of damages claimed. After the receipt thereof, the corporate authority may negotiate with the affected parties concerning them or deny them.

35.71.120 Contracts with mall organization for administration—Conflicting charter provision. If the corporate authority desires to have the mall administered by a mall organization rather than by one of its departments, the corporate authority may execute a contract with such an organization for the administration of the mall upon mutually satisfactory terms and conditions: *Provided*, That if any provision of a city charter conflicts with this section, such provision of the city charter shall prevail.

35.71.130 Election to discontinue mall—Ordinance—Outstanding obligations—Restoration to former status. The board of directors of a mall organization may call for an election, after the mall has been in operation for two years, at which the voting shall be by secret ballot, on the question: "Shall the mall be continued in operation?" If sixty percent of the membership of the organization vote to discontinue the mall, the results of the election shall be submitted to the corporate authority. The corporate authority may initiate proceedings by ordinance for the discontinuation of the mall, allocate the proportionate amount of the outstanding obligations of the mall to the abutting property of the mall or property specially benefited if a local improvement district is established, subject to the provisions of any applicable statutes and bond ordinances, resolutions, or agreements, and thereafter, at a time set by the corporate authority, the mall may be restored to its former right of way status.

35.71.910 Chapter controls inconsistent laws. Insofar as the provisions of this chapter are inconsistent with a provision of any other law, the provisions of this chapter shall be controlling.

Chapter 35.73

STREET GRADES—SANITARY FILLS

35.73.010 Authority—First and second class cities. If a city of the first or second class establishes the grade of any street or alley at a higher elevation than any private property abutting thereon,

thereby rendering the drainage of such private property or any part thereof impracticable without the raising of the surface of such private property, or if the surface of any private property in any such city is so low as to make sanitary drainage thereof impracticable and it is determined by resolution of the city council of such city that a fill of such private property is necessary as a sanitary measure, the city may provide therefor, and by general or special ordinance or both make provision for the necessary surveys, estimates, bids, contract, bond and supervision of the work and for making and approving the assessment roll of the local improvement district and for the collection of the assessments made thereby, and for the doing of everything which in their discretion may be necessary or be incidental thereto: *Provided*, That before the approval of the assessment roll, notice shall be given and an opportunity offered for the owners of the property affected by the assessment roll to be heard before such city council in the same manner as in case of assessments for drainage or sewerage in the city.

35.73.020 Estimates—Intention—Property included—Resolution. Before establishing a grade for property or providing for the fill of property, the city must adopt a resolution declaring its intention to do so.

The resolution shall:

- (1) Describe the property proposed to be improved by the fill,
- (2) State the estimated cost of making the improvement,
- (3) State that the cost thereof is to be assessed against the property improved thereby, and
- (4) Fix a time not less than thirty days after the first publication of the resolution within which protests against the proposed improvement may be filed with the city clerk.

The resolution may include as many separate parcels of property as may seem desirable whether or not they are contiguous so long as they lie in the same general neighborhood and may be included conveniently in one local improvement district.

35.73.030 Hearing—Time of—Publication of resolution. Upon the passage of the resolution the city clerk shall cause it to be published in the official newspaper of the city in at least two successive issues before the time fixed in the resolution for filing protests. Proof of publication by affidavit shall be filed as part of the record of the proceedings.

35.73.040 Ordinance—Assessments. If no protest is filed, or if protests are filed by the city council after full hearing determines that it is necessary to fill any portion of the private property it shall proceed to enact an ordinance for such improvement. By the provisions of the ordinance, a local improvement district shall be estab-

lished to be called "local improvement district No. _____," which shall include all the property found by the said council to require the fill as a sanitary measure. The ordinance shall provide that such improvement shall be made and shall fix and establish the grades to which the said property and the different portions thereof shall be brought by such improvement, and that the cost and expense thereof shall be taxed and assessed upon all the property in such local improvement district, which cost shall be assessed in proportion to the number of cubic yards of earth and bulkheading required for the different portions of said property included in said improvement district and in proportion to the benefits derived by such improvement: *Provided*, That the city council may expend from the general fund for such purposes such sums as in its judgment may seem fair and equitable in consideration of the benefits accruing to the general public by reason of such improvement.

35.73.050 Lien of assessments. Whenever any expense or cost of work has been assessed the amount of such expense and cost shall become a lien upon said lands against which the same are so assessed and shall take precedence of all other liens, except general tax liens and special assessment liens theretofore assessed by the said city thereon and which may be foreclosed in accordance with law in the name of such city as plaintiff. And in any such proceeding if the court trying the same shall be satisfied that the work has been done or material furnished for the fill of such property, a recovery shall be permitted or charge enforced to the extent of the proper proportion of the value of the work or material which would be chargeable on such lot or land notwithstanding any informality, irregularity or defects in any of the proceedings of such municipal corporation or its officers.

35.73.060 Improvement district bonds—Issuance. The city may, in its discretion, by general or special ordinance, or both, instead of requiring immediate payment for the said work to be made by the owners of property included in the assessment roll, authorize the issuance of interest bearing bonds or warrants of the local improvement district, payable on or before a date not to exceed twelve years from and after their date. The bonds may be issued subject to call, the amount of the said assessment to be payable in installments or otherwise, and the bonds to be of such terms as may be provided in the ordinances and to bear interest at such rate as may be prescribed in the ordinances, not exceeding eight percent per annum: *Provided*, That if the improvement lies wholly or partly within the boundaries of any commercial waterway district, the bonds may be made payable on or before a date not to exceed twenty-two years from and after the date of their issue.

35.73.070 Improvement district bonds—Payment—Remedies. The bonds or warrants shall be payable only from the fund created by the special assessments upon the property in the local improvement district, and the holder of any bond or warrant shall look only to that fund for the payment of the principal and interest thereof and shall have no claim or lien therefor against the city by which the same was issued except from that fund.

35.73.080 Provisions not exclusive. The provisions and remedies provided by this chapter for filling lowlands in connection with establishing street grades or for sanitary reasons are cumulative.

Chapter 35.74

STREETS—DRAWBRIDGES

35.74.010 Authority to construct or grant franchise to construct. Every city and town may erect and maintain drawbridges across navigable streams that flow through or penetrate the boundaries thereof, when the public necessity requires it, or it may grant franchises to persons or corporations to erect them and charge toll thereon.

35.74.020 Initiation of proceedings—Notice to county commissioners. If the city or town council desires to erect a drawbridge across any navigable stream on any street, or to grant the privilege so to do to any corporation or individual, it shall notify the board of county commissioners to that effect stating the precise point where such bridge is proposed to be located.

35.74.030 Determination of width of draw—Appeal. The board of county commissioners within ten days from the receipt of the notice, if in session, and if not in session, within five days after the first day of the next regular or special session, shall designate the width of the draw to be made in such bridge, and the length of span necessary to permit the free flow of water: *Provided*, That if any persons deem themselves aggrieved by the determination of the matter by the board, they may appeal to the superior court which may hear and determine the matter upon such further notice and on such testimony as it shall direct to be produced.

35.74.040 Required specifications. All bridges constructed under the provisions of this chapter must be so constructed as not to obstruct navigation, and must have a draw or swing of sufficient space or span to permit the safe, convenient, and expeditious passage at all times of any steamer or vessel or raft which may navigate the stream or waters bridged.

35.74.050 City may operate as toll bridges. A city or town may build and maintain toll bridges and charge and collect tolls thereon, and to that end may provide a system and elect or appoint persons to operate the same, or the said bridges may be made free, as it may elect.

35.74.060 Prerequisites of grant of franchise—Approval of bridge—Tolls. Before any franchise to build any bridge across any such navigable stream is granted by any city or town council it shall fix a license tax, not to exceed ten percent of the tolls collected annually. Upon the completion of the bridge the city or town council shall cause it to be inspected and if it is found to comply in all respects with the specifications previously made, and to be safe and convenient for the public, the council shall declare it open as a toll bridge, and shall immediately fix the rates of toll thereof.

35.74.070 License fees—Renewal of license. The owner or keeper of any toll bridges in any city or town shall, before the renewal of any license, report to the city or town council under oath, the actual cost of construction and equipment of the toll bridge, the repairs and cost of maintaining it during the preceding year, the amount of tax collected, and the estimated cash value of the bridge, exclusive of the franchise. All funds arising from the license tax shall be paid into the general fund of the city or town.

Chapter 35.75

STREETS—BICYCLES—PATHS

35.75.010 Authority to regulate and license bicycles—Penalties. Every city and town may by ordinance regulate and license the riding of bicycles and other similar vehicles upon or along the streets, alleys, highways, or other public grounds within its limits and may construct and maintain bicycle paths or roadways within or outside of and beyond its limits leading to or from the city or town. The city or town may provide by ordinance for reasonable fines and penalties for violation of the ordinance.

35.75.020 Use of bicycle paths for other purposes prohibited. It shall be unlawful for any person to lead, drive, ride or propel any team, wagon, animal, or vehicle other than a bicycle or similar vehicle upon and along any bicycle path constructed within or without the corporate limits of any city or town excepting at suitable crossings to be provided in the construction of such paths. Any person violating the provisions of this section shall be guilty of a misdemeanor.

35.75.030 License fees authorized. Every city and town by ordinance may establish and collect reasonable license fees from all persons riding a bicycle or other similar vehicle within its respective corporate limits, and may enforce the payment thereof by reasonable fines and penalties.

35.75.040 Rules regulating use of bicycle paths. The license fee to be paid and the rules regulating the riding of bicycles or other similar vehicles within any city or town shall be fixed by ordinance, and the rules regulating the use of such bicycle paths or roadways constructed or maintained within its limits and the fines and penalties for the violation of such rules shall be fixed by ordinance.

35.75.050 Bicycle road fund—Sources—Use. The city or town council shall by ordinance provide that the whole amount or any amount not less than seventy-five percent of all license fees, penalties or other moneys collected under the authority of this chapter shall be paid into and placed to the credit of a special fund to be known as the "bicycle road fund." The moneys in the bicycle road fund shall not be transferred to any other fund and shall be paid out for the sole purpose of building and maintaining bicycle paths and roadways authorized to be constructed and maintained by this chapter or for special policemen, bicycle tags, stationery and other expenses growing out of the regulating and licensing of the riding of bicycles and other vehicles and the construction, maintenance and regulation of the use of bicycle paths and roadways.

Chapter 35.76

STREETS—BUDGET AND ACCOUNTING

35.76.010 Declaration of purpose—Budget and accounting by functional categories. Records of city street expenditures are generally inadequate to meet the needs of cities for planning and administration of their street programs and the needs of the legislature in providing for city street financing. It is the intent of the legislature that each city and town shall budget and thereafter maintain records and accounts for all street expenditures by functional categories in a manner consistent with its size, administrative capabilities, and the amounts of money expended by it for street purposes.

35.76.020 Cost accounting and reporting—Cities over eight thousand. The state auditor, through the division of municipal corporations, shall formulate, prescribe and install a system of cost accounting and reporting for each city having a population of more than eight thousand, according to the last official census, which will cor-

rectly show all street expenditures by functional categories. The system shall also provide for reporting all revenues available for street purposes from whatever source including local improvement district assessments and state and federal aid.

35.76.030 ————**Cities of eight thousand or less.** Consistent with the intent of this chapter as stated in RCW 35.76.010, the state auditor, from and after July 1, 1965, through the division of municipal corporations, is authorized and directed to prescribe accounting and reporting procedures for street expenditures for cities and towns having a population of eight thousand or less, according to the last official census.

35.76.040 Manual of instructions. The state auditor, after consultation with the Association of Washington Cities and the planning division of the state highway commission shall prepare and distribute to the cities and towns a manual of instructions governing accounting and reporting procedures for all street expenditures.

35.76.050 Cost-audit examination and report. The division of municipal corporations shall annually make a cost-audit examination of street records for each city and town and make a written report thereon to the legislative body of each city and town. The expense of such examination shall be paid out of that portion of the motor vehicle fund allocated to the cities and towns and withheld for use by the state highway commission under the terms of RCW 46.68.110 (1).

35.76.060 Budgets. Expenditures for city and town streets shall be budgeted by each city and town according to the same functional categories prescribed by the state auditor for purposes of accounting and reporting as provided in RCW 35.76.020 and 35.76.030.

In the preparation of city and town budgets, including the preparation and filing of budget estimates, adoption of preliminary budgets and adoption of final budgets, all expenditures for street purposes shall be designated by such functional categories only.

Chapter 35.77

STREETS—PLANNING, ESTABLISHMENT, CONSTRUCTION AND MAINTENANCE

35.77.010 Perpetual advanced plans for coordinated street program. Prior to January 1, 1962, the legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive street program for the ensuing six years and shall file the same with the director of highways not

more than thirty days after its adoption. Biennially thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city street needs. Based on these findings each such legislative body shall prepare and after public hearings thereon adopt a revised and extended comprehensive street program, and each two-year extension and revision shall be filed with the director of highways not more than thirty days after its adoption. The purpose of this section shall be to assure that perpetually each city and town shall have available advanced plans, looking to the future for not less than four years as a guide in carrying out a coordinated street construction program. Such program may at any time be revised by a majority of the legislative body of a city or town but only after a public hearing.

35.77.020 Agreements with county for planning, establishment, construction, and maintenance. Any city or town may enter into an agreement with the county in which it is located authorizing the county to perform all or any part of the construction, repair, and maintenance of streets in such city or town at such cost as shall be mutually agreed upon. The agreement shall be approved by ordinance of the governing body of the city or town and by resolution of the board of county commissioners.

Any such agreement may include, but shall not be limited to the following:

(1) A provision that the county shall perform all or a specified part of the construction, repair, or maintenance of the city or town streets and bridges to the same standards provided by the county in unincorporated areas, or to increased standards as shall be specified which may include construction, repair, or maintenance of drainage facilities including storm sewers, sidewalks and curbsings, street lighting, and traffic control devices.

(2) A provision that the county may provide engineering and administrative services necessary for the planning, establishment, construction, and maintenance of the streets of the city or town, including engineering and clerical services necessary for the establishment of local improvement districts. In providing such services the county engineer may exercise all the powers and perform all the duties vested by law or by ordinance in the city or town engineer or other officer or department charged with street administration.

(3) A provision that the city or town shall enact ordinances for the administration, establishment, construction, repair, maintenance, regulation, and protection of its streets as may be necessary to authorize the county to lawfully carry out the terms of the agreement.

35.77.030 ————**County may use road fund—Payments by city—Contracts, bids.** Pursuant to an agreement authorized by RCW 35.77.020, the board of county commissioners may expend funds from the county road fund for the construction, repair, and maintenance of the streets of such city or town and for engineering and administrative services. Payments by a city or town under such an agreement shall be made to the county treasurer and by him deposited in the county road fund. Such construction, repair, maintenance, and engineering service shall be ordered by resolution and proceedings conducted in respect thereto in the same manner as provided for the construction, repair, and maintenance of county roads by counties, and for the preparation of maps, plans and specifications, advertising and award of contracts therefor: *Provided*, That except in case of emergency all construction work performed by a county on city streets pursuant to RCW 35.77.020 through 35.77.040, which exceeds ten thousand dollars, shall be done by contract, unless after advertisement and solicitation of competitive bids it appears that bids are unobtainable or that the lowest bid exceeds the amount for which such construction can be done by means other than contract. No street construction project shall be divided into lesser component parts for the purpose of avoiding the requirements for competitive bidding.

35.77.040 ————**Act is additional and concurrent method.** RCW 35.77.020 through 35.77.040 shall not repeal, amend, or modify any law providing for joint or cooperative agreements between cities and counties with respect to city streets, but shall be held to be an additional and concurrent method providing for such purpose.

Chapter 35.78

STREETS—CLASSIFICATION AND DESIGN STANDARDS

35.78.010 **Classification of streets.** The governing body of each municipal corporation shall classify and designate city streets as follows:

Major arterials, which are defined as transportation arteries which connect the focal points of traffic interest within a city; arteries which provide communications with other communities and the outlying areas; or arteries which have relatively high traffic volume compared with other streets within the city;

Secondary arterials, which are defined as routes which serve lesser points of traffic interest within a city; provide communication with outlying districts in the same degree or serve to collect and distribute traffic from the major arterials to the local streets;

Access streets, which are defined as land service streets and are

generally limited to providing access to abutting property. They are tributary to the major and secondary thoroughfares and generally discourage through traffic.

35.78.020 State design standards — Committee — Membership.

There is created a state design standards committee of seven members, six of whom shall be appointed by the executive committee of the Association of Washington Cities to hold office at its pleasure and the seventh to be the assistant state director of highways in charge of state aid. The members to be appointed by the executive committee of the Association of Washington Cities shall be restricted to the membership of the association or to those holding office and/or performing the function of chief engineer in any of the several municipalities in the state.

35.78.030 Committee to adopt uniform design standards. The design standards committee shall from time to time adopt uniform design standards for major arterial and secondary arterial streets.

35.78.040 Design standards must be followed by municipalities—Approval of deviations. The governing body of the several municipalities shall apply the uniform design standards so adopted to all new construction on major arterial and secondary arterial streets, and to reconstruction of old such streets as far as practicable. No deviation from such design standards as to such streets shall be made without approval of the assistant state director of highways for state aid.

Chapter 35.79

STREETS—VACATION

35.79.010 Petition by owners—Fixing time for hearing. The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the legislative authority to make vacation, giving a description of the property to be vacated, or the legislative authority may itself initiate by resolution such vacation procedure. The petition or resolution shall be filed with the city or town clerk, and, if the petition is signed by the owners of more than two-thirds of the property abutting upon the part of such street or alley sought to be vacated, the legislative authority by resolution shall fix a time when the petition will be heard and determined by such authority or a committee thereof, which time shall not be more than sixty days nor less than twenty days after the date of the passage of such resolution.

35.79.020 Notice of hearing—Objections prior to hearing. Upon the passage of the resolution the city or town clerk shall give twenty days' notice of the pendency of the petition by a written notice posted in three of the most public places in the city or town and a like notice in a conspicuous place on the street or alley sought to be vacated. The said notice shall contain a statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition. In all cases where the proceeding is initiated by resolution of the city or town council or similar legislative authority without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, in addition to the notice hereinabove required, there shall be given by mail at least fifteen days before the date fixed for the hearing, a similar notice to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street or alley or any part thereof sought to be vacated, as shown on the rolls of the county treasurer, directed to the address thereon shown: *Provided*, That if fifty percent of the abutting property owners file written objection to the proposed vacation with the clerk, prior to the time of hearing, the city shall be prohibited from proceeding with the resolution.

35.79.030 Hearing—Ordinance of vacation. The hearing on such petition may be held before the legislative authority, or before a committee thereof upon the date fixed by resolution or at the time said hearing may be adjourned to. If the hearing is before such a committee the same shall, following the hearing, report its recommendation on the petition to the legislative authority which may adopt or reject the recommendation. If such hearing be held before such a committee it shall not be necessary to hold a hearing on the petition before such legislative authority. If the legislative authority determines to grant said petition or any part thereof, such city or town shall be authorized and have authority by ordinance to vacate such street, or alley, or any part thereof: *Provided*, That such ordinance may provide that the city retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services.

35.79.040 Title to vacated street or alley. If any street or alley in any city or town is vacated by the city or town council, the property within the limits so vacated shall belong to the abutting property owners, one-half to each.

35.79.050 Vested rights not affected. No vested rights shall be affected by the provisions of this chapter.

Chapter 35.80**UNFIT DWELLINGS, BUILDINGS AND STRUCTURES**

35.80.010 Declaration of purpose. It is hereby found that there exist, in municipalities of the state, dwellings which are unfit for human habitation, and buildings and structures which are unfit for other uses due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents, or other calamities, inadequate ventilation and uncleanliness, inadequate light or sanitary facilities, inadequate drainage, overcrowding, or due to other conditions which are inimical to the health and welfare of the residents of such municipalities.

It is further found and declared that the powers conferred by this chapter are for public uses and purposes for which public money may be expended, and that the necessity of the public interest for the enactment of this law is hereby declared to be a matter of local legislative determination.

35.80.020 Definitions. The following terms, however used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(1) "Board" shall mean the improvement board as provided for in RCW 35.80.030(1) (a);

(2) "Local governing body" shall mean the council or other legislative body charged with governing the municipality;

(3) "Municipality" shall mean any incorporated city or town in the state;

(4) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulation, or other activities concerning dwellings, buildings, and structures in the municipality.

35.80.030 Permissible ordinances—Appeal. (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 the municipality, said governing body may adopt ordinances relating to such dwellings, buildings, or structures within the municipality. 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 registered mail 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 newspaper published in the municipality, or in the absence of such 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. The county treasurer, upon certification to him by the treasurer of the municipality of the assessment amount being due and owing, 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. 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.

(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 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 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, (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.

35.80.040 Discrimination prohibited. For all the purposes of this chapter and the ordinances adopted as provided herein, no person shall, because of race, creed, color, or national origin, be subjected to any discrimination.

Chapter 35.81**URBAN RENEWAL LAW**

35.81.010 Definitions. The following terms wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(1) "Agency" or "urban renewal agency" shall mean a public agency created by RCW 35.81.160.

(2) "Blighted area" shall mean an area which, by reason of the substantial physical dilapidation, deterioration, defective construction, material, and arrangement and/or age or obsolescence of buildings or improvements, whether residential or nonresidential, inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality; inappropriate or mixed uses of land or buildings; high density of population and overcrowding; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness; excessive land coverage; insanitary or unsafe conditions; deterioration of site; diversity of ownership; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; improper subdivision or obsolete platting; or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime; substantially impairs or arrests the sound growth of the city or its environs, retards the provision of housing accommodations or constitutes an economic or social liability, and/or is detrimental, or constitutes a menace, to the public health, safety, welfare, and morals in its present condition and use.

(3) "Bonds" shall mean any bonds, notes, or debentures (including refunding obligations) herein authorized to be issued.

(4) "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(5) "Federal government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(6) "Local governing body" shall mean the council or other legislative body charged with governing the municipality.

(7) "Mayor" shall mean the chief executive of a city or town.

(8) "Municipality" shall mean any incorporated city or town in the state.

(9) "Obligee" shall include any bondholder, agent or trustees for any bondholders, or lessor demising to the municipality property used in connection with an urban renewal project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(10) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or school district; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(11) "Public body" shall mean the state or any municipality, township, board, commission, district, or any other subdivision or public body of the state.

(12) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

(13) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

(14) "Redevelopment" may include (a) acquisition of a blighted area or portion thereof; (b) demolition and removal of buildings and improvements; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this chapter in accordance with the urban renewal plan, and (d) making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with the urban renewal plan.

(15) "Rehabilitation" may include the restoration and renewal of a blighted area or portion thereof, in accordance with an urban renewal plan, by (a) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements (b) acquisition of real property and demolition or removal of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of

this chapter; and (d) the disposition of any property acquired in such urban renewal area (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with such urban renewal plan.

(16) "Urban renewal area" means a blighted area which the local governing body designates as appropriate for an urban renewal project or projects.

(17) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (a) shall conform to the comprehensive plan or parts thereof for the municipality as a whole; and (b) shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

(18) "Urban renewal project" may include undertakings or activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of blight, and may involve redevelopment in an urban renewal area, or rehabilitation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan.

35.81.020 Declaration of purpose and necessity. It is hereby found and declared that blighted areas which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the state exist in municipalities of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime and depreciation of property values, constitutes an economic and social liability, substantially impairs or arrests the sound growth of municipalities, retards the provision of housing accommodations, aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of such areas is a matter of state policy and state concern in order that the state and its municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, are conducive to fires, are difficult to police and to provide police protection for, and, while contributing little to the tax income of the state and its municipalities, consume an excessive proportion of its revenues because of the extra services required for police,

fire, accident, hospitalization and other forms of public protection, services, and facilities.

It is further found and declared that certain of such areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this chapter, since the prevailing condition of decay may make impracticable the reclamation of the area by rehabilitation; that other areas or portions thereof may, through the means provided in this chapter, be susceptible of rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented; and that to the extent feasible salvable blighted areas should be rehabilitated through voluntary action and the regulatory process.

It is further found and declared that the powers conferred by this chapter are for public uses and purposes for which public money may be expended and the power of eminent domain exercised; and that the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.

35.81.030 Encouragement of private enterprise. A municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this chapter, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of the urban renewal area by private enterprise. A municipality shall give consideration to this objective in exercising its powers under this chapter, including the formulation of a workable program, the approval of urban renewal plans (consistent with the comprehensive plan or parts thereof for the municipality), the exercise of its zoning powers, the enforcement of other laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the provision of necessary public improvements.

35.81.040 Formulation of workable program. A municipality for the purposes of this chapter may formulate a workable program for utilizing appropriate private and public resources to eliminate, and prevent the development or spread of, blighted areas, to encourage needed urban rehabilitation, to provide for the redevelopment of such areas, or to undertake such of the aforesaid activities, or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for: The prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of

housing, zoning, and occupancy controls and standards; the rehabilitation of blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds and other public improvements, by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of blighted areas or portions thereof.

35.81.050 Findings by local governing body required. No municipality shall exercise any of the powers hereafter conferred upon municipalities by this chapter until after its local governing body shall have adopted a resolution finding that: (1) One or more blighted areas exist in such municipality; and (2) the rehabilitation, redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of such municipality.

35.81.060 Comprehensive plan — Preparation — Hearing — Approval—Modification—Effect. (1) A municipality shall not approve an urban renewal project for an urban renewal area unless the local governing body has, by resolution, determined such area to be a blighted area and designated such area as appropriate for an urban renewal project. The local governing body shall not approve an urban renewal plan until a comprehensive plan or parts of such plan for an area which would include an urban renewal area for the municipality have been prepared as provided in chapter 35.63 RCW. For this purpose and other municipal purposes, authority is hereby vested in every municipality to prepare, to adopt, and to revise from time to time, a comprehensive plan or parts thereof for the physical development of the municipality as a whole (giving due regard to the environs and metropolitan surroundings), to establish and maintain a planning commission for such purpose and related municipal planning activities, and to make available and to appropriate necessary funds therefor. A municipality shall not acquire real property for an urban renewal project unless the local governing body has approved the urban renewal project plan in accordance with subsection (4) hereof.

(2) The municipality may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to the municipality. Prior to its approval of an urban renewal project, the local governing body shall submit such plan to the planning commission of the municipality for review and recommendations as to its conformity with the comprehensive plan or parts thereof for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban

renewal plan to the local governing body within sixty days after receipt of it. Upon receipt of the recommendations of the planning commission, or if no recommendations are received within sixty days, then without such recommendations, the local governing body may proceed with the hearing on the proposed urban renewal project plan prescribed by subsection (3) hereof.

(3) The local governing body shall hold a public hearing on an urban renewal plan after public notice thereof. Such notice shall be given by publication once each week for two consecutive weeks not less than ten nor more than thirty days prior to the date of the hearing in a newspaper having a general circulation in the urban renewal area of the municipality and by mailing a notice of such hearing not less than ten days prior to the date of the hearing to the persons whose names appear on the county treasurer's tax roll as the owner or reputed owner of the property, at the address shown on the tax roll. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the urban renewal area affected, and shall outline the general scope of the urban renewal plan under consideration.

(4) Following such hearing, the local governing body may approve an urban renewal project if it finds that (a) a workable and feasible plan exists for making available adequate housing for the persons who may be displaced by the project; (b) the urban renewal plan conforms to the comprehensive plan or parts thereof for the municipality as a whole; (c) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise; and (d) a sound and adequate financial program exists for the financing of said project; (e) the urban renewal project area is a blighted area as defined in RCW 35.81.010(2).

(5) An urban renewal project plan may be modified at any time by the local governing body: *Provided*, That if modified after the lease or sale by the municipality of real property in the urban renewal project area, such modification shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest may be entitled to assert.

(6) Upon the approval of an urban renewal project by a municipality, the provisions of the urban renewal plan with respect to the future use and building requirements applicable to the property covered by said plan shall be controlling with respect thereto.

35.81.070 Powers of municipality. Every municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To undertake and carry out urban renewal projects within the municipality, to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter, and to disseminate blight clearance and urban renewal information.

(2) To provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for, or in connection with, an urban renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of an urban renewal project, and to include in any contract let in connection with such a project, provisions to fulfill such of said conditions as it may deem reasonable and appropriate.

(3) Within the municipality, to enter upon any building or property in any urban renewal area, in order to make surveys and appraisals, provided that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain, or otherwise, any real property and such personal property as may be necessary for the administration of the provisions herein contained, together with any improvements thereon; to hold, improve, clear, or prepare for redevelopment any such property; to dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance: *Provided*, That no statutory provision with respect to the acquisition, clearance, or disposition of property by public bodies shall restrict a municipality in the exercise of such functions with respect to an urban renewal project.

(4) To invest any urban renewal project funds held in reserves or sinking funds or any such funds which are not required for immediate disbursement, in property or securities in which mutual savings banks may legally invest funds subject to their control; to redeem such bonds as have been issued pursuant to RCW 35.81-.100 at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.

(5) To borrow money and to apply for, and accept, advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state, county, or other public body, or from any sources, public or private, for the purposes of this chapter, and to enter into and carry out contracts in connection therewith. A municipality may include in any application or contract for financial assistance with the federal government for an urban renewal project such conditions imposed pursuant to federal laws as the municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this chapter.

(6) Within the municipality, to make or have made all plans necessary to the carrying out of the purposes of this chapter and to contract with any person, public or private, in making and carrying out such plans and to adopt or approve, modify, and amend such plans. Such plans may include, without limitation: (a) a comprehensive plan or parts thereof for the locality as a whole, (b) urban renewal plans, (c) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (d) plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements, and (e) appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of urban renewal projects. The municipality is authorized to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of urban blight and to apply for, accept, and utilize grants of, funds from the federal government for such purposes.

(7) To prepare plans for the relocation of families displaced from an urban renewal area, and to coordinate public and private agencies in such relocation, including requesting such assistance for this purpose as is available from other private and governmental agencies, both for the municipality and other parties.

(8) To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this chapter, and in accordance with state law: (a) levy taxes and assessments for such purposes; (b) acquire land by negotiation and/or eminent domain; (c) close, vacate, plan, or replan streets, roads, sidewalks, ways or other places; (d) plan or replan, zone or rezone any part of the municipality; (e) adopt annual budgets for the operation of an urban renewal agency, department, or offices vested with urban renewal project powers under RCW 35.81.150; (f) enter into agreements with such agencies or departments (which agreements

may extend over any period) respecting action to be taken by such municipality pursuant to any of the powers granted by this chapter.

(9) Within the municipality, to organize, coordinate, and direct the administration of the provisions of this chapter as they apply to such municipality in order that the objective of remedying blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved, and to establish such new office or offices of the municipality or to reorganize existing offices in order to carry out such purpose most effectively.

(10) To exercise all or any part or combination of powers herein granted.

35.81.080 Eminent domain. A municipality shall have the right to acquire by condemnation, in accordance with the procedure provided for condemnation by such municipality for other purposes, any interest in real property, which it may deem necessary for an urban renewal project under this chapter after the adoption by the local governing body of a resolution declaring that the acquisition of the real property described therein is necessary for such purpose. Condemnation for urban renewal of blighted areas is declared to be a public use, and property already devoted to any other public use or acquired by the owner or his predecessor in interest by eminent domain may be condemned for the purposes of this chapter.

The award of compensation for real property taken for such a project shall not be increased by reason of any increase in the value of the real property caused by the assembly, clearance, or reconstruction, or proposed assembly, clearance, or reconstruction in the project area. No allowance shall be made for the improvements begun on real property after notice to the owner of such property of the institution of proceedings to condemn such property. Evidence shall be admissible bearing upon the insanitary, unsafe, or substandard condition of the premises, or the unlawful use thereof.

35.81.090 Disposal of real property in urban renewal area. (1) A municipality may sell, lease, or otherwise transfer real property or any interest therein acquired by it for an urban renewal project, in an urban renewal area for residential, recreational, commercial, industrial, or other uses or for public use, and may enter into contracts with respect thereto, or may retain such property or interest only for parks and recreation, education, public utilities, public transportation, public safety, health, highways, streets, and alleys, administrative buildings, or civic centers, in accordance with the urban renewal project plan, subject to such covenants, conditions,

and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of blighted areas or otherwise to carry out the purposes of this chapter: *Provided*, That such sale, lease, other transfer, or retention, and any agreement relating thereto, may be made only after the approval of the urban renewal plan by the local governing body. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin, within a reasonable time, any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, a municipality shall take into account, and give consideration to, the uses provided in such plan; the restrictions upon, and the covenants, conditions, and obligations assumed by, the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease, or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any and all improvements which he has obligated himself to construct thereon. Real property acquired by a municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible, in the public interest, consistent with the carrying out of the provisions of the urban renewal plan. The inclusion in any such contract or conveyance to a purchaser or lessee of any such covenants, restrictions, or conditions (including the incorporation by reference therein of the provisions of an urban renewal plan or any part thereof) shall not prevent the recording of such contract or conveyance in the land records of the auditor or the county in which such city or town is located, in such manner as to afford actual or constructive notice thereof.

(2) A municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this subsection. A municipality may, by public notice by publication once each week for three consecutive weeks in a newspaper having a general circulation in the community, prior

to the execution of any contract or deed to sell, lease, or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section, invite bids from, and make available all pertinent information to, private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all redevelopment or rehabilitation bids and the financial and legal ability of the persons making such bids to carry them out. The municipality may accept such bids as it deems to be in the public interest and in furtherance of the purposes of this chapter. Thereafter, the municipality may execute, in accordance with the provisions of subsection (1), and deliver contracts, deeds, leases, and other instruments of transfer.

(3) A municipality may operate and maintain real property acquired in an urban renewal area for a period of three years pending the disposition of the property for redevelopment, without regard to the provisions of subsection (1) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan: *Provided*, That the municipality may, after a public hearing, extend the time for a period not to exceed three years.

35.81.100 Bonds—Issuance—Form, terms, payment, etc. (1) A municipality shall have the power to issue bonds from time to time in its discretion to finance the undertaking of any urban renewal project under this chapter, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans for urban renewal projects, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall not pledge the general credit of the municipality and shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from, or held in connection with, its undertaking and carrying out of urban renewal projects under this chapter: *Provided*, That payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant, or contribution from the federal government or other source, in aid of any urban renewal projects of the municipality under this chapter.

(2) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and shall not be subject to the provisions of any other law or charter relating to the authorization,

issuance, or sale of bonds. Bonds issued under the provisions of this chapter are declared to be issued for an essential public and governmental purpose, and together with interest thereon and income therefrom, shall be exempted from all taxes.

(3) Bonds issued under this section shall be authorized by resolution or ordinance of the local governing body and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, not exceeding six percent per annum, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(4) Such bonds may be sold at not less than ninety-eight percent of par at public or private sale, or may be exchanged for other bonds on the basis of par: *Provided*, That such bonds may be sold to the federal government at private sale at not less than par and, in the event less than all of the authorized principal amount of such bonds is sold to the federal government, the balance may be sold at public or private sale at not less than ninety-eight percent of par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the federal government.

(5) The municipality may annually pay into a fund to be established for the benefit of such bonds any and all excess of the taxes received by it from the same property over and above the average of the annual taxes authorized without vote for a five-year period immediately preceding the acquisition of the property by the municipality for renewal purposes, such payment to continue until such time as all bonds payable from the fund are paid in full. Any other taxing unit in a municipality is authorized to allocate a like amount of such excess taxes to the municipality or municipalities in which it is situated.

(6) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this chapter shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

(7) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this chapter or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with the provisions of this chapter.

35.81.110 Bonds as legal investment, security. All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business, all insurance companies, insurance associations, and other persons carrying on an insurance business and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by a municipality pursuant to this chapter: *Provided*, That such bonds and other obligations shall be secured by an agreement between the issuer and the federal government in which the issuer agrees to borrow from the federal government and the federal government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, moneys in an amount which (together with any other moneys irrevocably committed to the payment of interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which moneys under the terms of said agreement are required to be used for the purpose of paying the principal of, and the interest on, such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions, and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

35.81.115 General obligation bonds authorized. For the purposes of this chapter a municipality may (in addition to any authority to issue bonds pursuant to RCW 35.81.100) issue and sell its general obligation bonds. Any bonds issued by a municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by the laws of this state for the issuance and authorization of bonds by such municipality for public purposes generally.

35.81.120 Property of municipality exempt from process and taxes. (1) All property of a municipality, including funds, owned or held by it for the purposes of this chapter, shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall judgment against a municipality be a charge or lien upon such property: *Provided*, That the provisions of this section shall not apply to, or limit the right of, obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this chapter by a municipality on its rents, fees, grants, or revenues from urban renewal projects.

(2) The property of a municipality, acquired or held for the purposes of this chapter, is declared to be public property used for essential public and governmental purposes and such property shall be exempt from all taxes of the municipality, the county, the state, or any political subdivision thereof: *Provided*, That such tax exemption shall terminate when the municipality sells, leases, or otherwise disposes of such property in an urban renewal area to a purchaser or lessee which is not a public body or other organization normally entitled to tax exemption with respect to such property.

35.81.130 Aid by public bodies. (1) For the purpose of aiding in the planning, undertaking, or carrying out of an urban renewal project located within the area in which it is authorized to act, any public body authorized by law or by this chapter, may, upon such terms, with or without consideration, as it may determine: (a) Dedicate, sell, convey, or lease any of its interest in any property, or grant easements, licenses, or other rights or privileges therein to a municipality; (b) incur the entire expense of any public improvements made by such public body, in exercising the powers granted in this section; (c) do any and all things necessary to aid or cooperate in the planning or carrying out of an urban renewal plan; (d) lend, grant, or contribute funds to a municipality; (e) enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with a municipality or other public body respecting action to be taken pursuant to any of the powers granted by this chapter, including the furnishing of funds or other assistance in connection with an urban renewal project, and (f) cause public building and public facilities, including parks, playgrounds, recreational, community, educational, water, sewer, or drainage facilities, or any other works which it is otherwise empowered to undertake to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, sidewalks, ways, or other places; plan or replan, zone or rezone any part of the urban renewal area; and provide such admin-

istrative and other services as may be deemed requisite to the efficient exercise of the powers herein granted.

(2) Any sale, conveyance, lease, or agreement provided for in this section shall be made by a public body with appraisal, public notice, advertisement, or public bidding in accordance with the provisions of RCW 35.81.090(2).

35.81.140 Conveyance to purchaser, etc. presumed to be in compliance with chapter. Any instrument executed by a municipality and purporting to convey any right, title, or interest in any property under this chapter shall be conclusively presumed to have been executed in compliance with the provisions of this chapter insofar as title or other interest of any bona fide purchasers, lessees, or transferees of such property is concerned.

35.81.150 Exercise of urban renewal project powers. (1) A municipality may itself exercise its urban renewal project powers (as herein defined) or may, if the local governing body by resolution determines such action to be in the public interest, elect to have such powers exercised by the urban renewal agency (created by RCW 35.81.160) or a department or other officers of the municipality or by any existing public body corporate, as they are authorized to exercise under this chapter.

(2) In the event the local governing body makes such determination, such body may authorize the urban renewal agency or department or other officers of the municipality to exercise any of the following urban renewal project powers:

(a) To formulate and coordinate a workable program as specified in RCW 35.81.040.

(b) To prepare urban renewal plans.

(c) To prepare recommended modifications to an urban renewal project plan.

(d) To undertake and carry out urban renewal projects as required by the local governing body.

(e) To make and execute contracts as specified in RCW 35.81.070, with the exception of contracts for the purchase or sale of real or personal property.

(f) To disseminate blight clearance and urban renewal information.

(g) To exercise the powers prescribed by RCW 35.81.070(2), except the power to agree to conditions for federal financial assistance and imposed pursuant to federal law relating to salaries and wages, shall be reserved to the local governing body.

(h) To enter any building or property, in any urban renewal area, in order to make surveys and appraisals in the manner specified in RCW 35.81.070(3).

(i) To improve, clear, or prepare for redevelopment any real or personal property in an urban renewal area.

(j) To insure real or personal property as provided in RCW 35.81.070(3).

(k) To effectuate the plans provided for in RCW 35.81.070(6).

(l) To prepare plans for the relocation of families displaced from an urban renewal area and to coordinate public and private agencies in such relocation.

(m) To prepare plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.

(n) To conduct appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of urban renewal projects.

(o) To negotiate for the acquisition of land.

(p) To study the closing, vacating, planning, or replanning of streets, roads, sidewalks, ways, or other places and to make recommendations with respect thereto.

(q) To organize, coordinate, and direct the administration of the provisions of this chapter.

(r) To perform such duties as the local governing body may direct so as to make the necessary arrangements for the exercise of the powers and the performance of the duties and responsibilities entrusted to the local governing body.

Any powers granted in this chapter that are not included in RCW 35.81.150(2) as powers of the urban renewal agency or a department or other officers of a municipality in lieu thereof, may only be exercised by the local governing body or other officers, boards, and commissions as provided under existing law.

35.81.160 ———Assignment of powers—Urban renewal agency.

(1) When a municipality has made the finding prescribed in RCW 35.81.050 and has elected to have the urban renewal project powers, as specified in RCW 35.81.150, exercised, such urban renewal project powers may be assigned to a department or other officers of the municipality or to any existing public body corporate, or the legislative body of a city may create an urban renewal agency in such municipality to be known as a public body corporate to which such powers may be assigned.

(2) If the urban renewal agency is authorized to transact business and exercise powers hereunder, the mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the urban renewal agency which shall consist of five commissioners. The initial membership shall consist of one commissioner appointed for one year, one for two years, one

for three years, and two for four years; and each appointment thereafter shall be for four years.

(3) A commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

The powers and responsibilities of an urban renewal agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers and responsibilities of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws shall require a larger number. Any persons may be appointed as commissioners if they reside within the municipality.

The urban renewal agency or department or officers exercising urban renewal project powers shall be staffed with the necessary technical experts and such other agents and employees, permanent and temporary, as it may require. An agency authorized to transact business and exercise powers under this chapter shall file, with the local governing body, on or before March 31st of each year, a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expense as of the end of such calendar year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality and that the report is available for inspection during business hours in the office of the city clerk and in the office of the agency.

(4) For inefficiency, neglect of duty, or misconduct in office, a commissioner may be removed.

35.81.170 Discrimination prohibited. For all of the purposes of this chapter, no person shall, because of race, creed, color, or national origin, be subjected to any discrimination.

35.81.180 Restrictions against public officials or employees acquiring or owning an interest in project, contract, etc. No public official, department or division head of a municipality or urban renewal agency or department or officers which have been vested by a municipality with urban renewal project powers and responsibilities under RCW 35.81.150, shall voluntarily acquire any interest, direct or indirect, in any urban renewal project, or in any

property included or planned to be included in any urban renewal project of such municipality, or in any contract or proposed contract in connection with such urban renewal project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body and such disclosure shall be entered upon the minutes of the governing body. If any such official, department or division head owns or controls, or owned or controlled within two years prior to the date of hearing on the urban renewal project, any interest, direct or indirect, in any property which he knows is included in an urban renewal project, he shall immediately disclose this fact in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body, and any such official, department or division head shall not participate in any action on that particular project by the municipality or urban renewal agency, department, or officers which have been vested with urban renewal project powers by the municipality pursuant to the provisions of RCW 35.81.150. A majority of the commissioners of an urban renewal agency exercising powers pursuant to this chapter shall not hold any other public office under the municipality other than their commissionership or office with respect to such urban renewal agency, department, or officers. Any violation of the provisions of this section shall constitute misconduct in office.

35.81.910 Short title. This chapter shall be known and may be cited as the "Urban Renewal Law."

Chapter 35.82

HOUSING AUTHORITIES LAW

35.82.010 Finding and declaration of necessity. It is hereby declared: (1) that there exist in the state insanitary or unsafe dwelling accommodations and that persons of low income are forced to reside in such insanitary or unsafe accommodations; that within the state there is a shortage of safe or sanitary dwelling accommodations available at rents which persons of low income can afford and that such persons are forced to occupy overcrowded and congested dwelling accommodations; that the aforesaid conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the state and impair economic values; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities; (2) that these areas in the state cannot be cleared, nor can the

shortage of safe and sanitary dwellings for persons of low income be relieved, through the operation of private enterprise, and that the construction of housing projects for persons of low income (as herein defined) would therefore not be competitive with private enterprise; (3) that the clearance, replanning and reconstruction of the areas in which insanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which public money may be spent and private property acquired and are governmental functions of state concern; (4) that it is in the public interest that work on projects for such purposes be commenced as soon as possible in order to relieve unemployment which now (1939) constitutes an emergency; and the necessity in the public interest for the provisions hereinafter enacted, is hereby declared as a matter of legislative determination.

35.82.020 Definitions. The following terms, wherever used or referred to in this chapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

(1) "Authority" or "Housing Authority" shall mean any of the public corporations created by RCW 35.82.030.

(2) "City" shall mean any city of any class. "County" shall mean any county in the state. "The city" shall mean the particular city for which a particular housing authority is created. "The county" shall mean the particular county for which a particular housing authority is created.

(3) "Governing body" shall mean, in the case of a city, the city council or the commission and in the case of a county, the board of county commissioners.

(4) "Mayor" shall mean the mayor of the city or the officer thereof charged with the duties customarily imposed on the mayor or executive head of the city.

(5) "Clerk" shall mean the clerk of the city or the clerk of the board of county commissioners, as the case may be, or the officer charged with the duties customarily imposed on such clerk.

(6) "Area of operation": (a) in the case of a housing authority of a city, shall include such city and the area within five miles from the territorial boundaries thereof: *Provided*, That the area of operation of a housing authority of any city shall not include any area which lies within the territorial boundaries of some other city, as herein defined; (b) in the case of a housing authority of a county, shall include all of the county except that portion which lies within the territorial boundaries of any city as herein defined.

(7) "Federal government" shall include the United States of America, the United States housing authority or any other agency

or instrumentality, corporate or otherwise, of the United States of America.

(8) "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to safety, health and morals.

(9) "Housing project" shall mean any work or undertaking: (a) to demolish, clear or remove buildings from any slum area; such work or undertaking may embrace the adaptation of such area to public purposes, including parks or other recreational or community purposes; or (b) to provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of low income; such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, welfare or other purposes; or (c) to accomplish a combination of the foregoing. The term "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

(10) "Persons of low income" shall mean persons or families who lack the amount of income which is necessary (as determined by the authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

(11) "Bonds" shall mean any bonds, notes, interim certificates, debentures, or other obligations issued by the authority pursuant to this chapter.

(12) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or use in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

(13) "Obligee of the authority" or "obligee" shall include any bondholder, trustee or trustees for any bondholders, or lessor demising to the authority property used in connection with a housing project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority.

35.82.030 Creation of housing authorities. In each city (as herein defined) and in each county of the state there is hereby created a

public body corporate and politic to be known as the "Housing Authority" of the city or county: *Provided, however,* That such authority shall not transact any business or exercise its powers hereunder until or unless the governing body of the city or the county, as the case may be, by proper resolution shall declare at any time hereafter that there is need for an authority to function in such city or county. The determination as to whether or not there is such need for an authority to function (1) may be made by the governing body on its own motion or (2) shall be made by the governing body upon the filing of a petition signed by twenty-five residents of the city or county, as the case may be, asserting that there is need for an authority to function in such city or county and requesting that the governing body so declare.

The governing body shall adopt a resolution declaring that there is need for a housing authority in the city or county, as the case may be, if it shall find (1) that insanitary or unsafe inhabited dwelling accommodations exist in such city or county or (2) that there is a shortage of safe or sanitary dwelling accommodations in such city or county available to persons of low income at rentals they can afford. In determining whether dwelling accommodations are unsafe or insanitary said governing body may take into consideration the degree of overcrowding, the percentage of land coverage, the light, air, space and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution by the governing body declaring the need for the authority. Such resolution or resolutions shall be deemed sufficient if it declares that there is such need for an authority and finds in substantially the foregoing terms (no further detail being necessary) that either or both of the above enumerated conditions exist in the city or county, as the case may be. A copy of such resolution duly certified by the clerk shall be admissible in evidence in any suit, action or proceeding.

35.82.040 Appointment, qualifications and tenure of commissioners. When the governing body of a city adopts a resolution as aforesaid, it shall promptly notify the mayor of such adoption. Upon receiving such notice, the mayor shall appoint five persons as commissioners of the authority created for said city. When the governing body of a county adopts a resolution as aforesaid, said

body shall appoint five persons as commissioners of the authority created for said county. The commissioners who are first appointed shall be designated to serve for terms of one, two, three, four and five years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed as aforesaid for a term of office of five years except that all vacancies shall be filled for the unexpired term. No commissioner of an authority may be an officer or employee of the city or county for which the authority is created. A commissioner shall hold office until his successor has been appointed and has qualified, unless sooner removed according to this chapter. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services for the authority, in any capacity, but he shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

The powers of each authority shall be vested in the commissioners thereof in office from time to time. Three commissioners shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners present, unless in any case the bylaws of the authority shall require a larger number. The mayor (or in the case of an authority for a county, the governing body of the county) shall designate which of the commissioners appointed shall be the first chairman and he shall serve in the capacity of chairman until the expiration of his term of office as commissioner. When the office of the chairman of the authority thereafter becomes vacant, the authority shall select a chairman from among its commissioners. An authority shall select from among its commissioners a vice chairman, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the city or the county or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

35.82.050 Interested commissioners or employees. No commissioner or employee of an authority shall acquire any interest direct or indirect in any housing project or in any property included or planned to be included in any project, nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any

housing project. If any commissioner or employee of an authority owns or controls an interest direct or indirect in any property included or planned to be included in any housing project, he immediately shall disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure so to disclose such interest shall constitute misconduct in office. Upon such disclosure such commissioner or employee shall not participate in any action by the authority affecting such property.

35.82.060 Removal of commissioners. For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the mayor (or in the case of an authority for a county, by the governing body of said county), but a commissioner shall be removed only after he shall have been given a copy of the charges at least ten days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk.

35.82.070 Powers of authority. An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

(2) Within its area of operation: to prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof.

(3) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this chapter or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor or any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

(4) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in this chapter) to establish and revise the rents or charges therefor; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise including financial assistance and other aid from the state or any public body, person or corporation, any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

(5) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

(6) Within its area of operation: to investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

(7) Acting through one or more commissioners or other person or persons designated by the authority: to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insani-

tary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

(8) To exercise all or any part or combination of powers herein granted.

No provisions of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

(9) To agree (notwithstanding the limitation contained in RCW 35.82.210) to make such payments in lieu of taxes as the authority finds consistent with the achievement of the purposes of this chapter.

(10) To exercise the powers granted in this chapter within the boundaries of any city, town, or county not included in the area in which such housing authority is originally authorized to function: *Provided, however,* The governing or legislative body of such city, town, or county, as the case may be, adopts a resolution declaring that there is a need for the authority to function in such territory.

35.82.080 Operation not for profit. It is hereby declared to be the policy of this state that each housing authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe and sanitary dwelling accommodations, and that no housing authority shall construct or operate any such project for profit, or as a source of revenue to the city or the county. To this end an authority shall fix the rentals for dwellings in its projects at no higher rates than it shall find to be necessary in order to produce revenues which (together with all other available moneys, revenues, income and receipts of the authority from whatever sources derived) will be sufficient (1) to pay, as the same become due, the principal and interest on the bonds of the authority; (2) to meet the cost of, and to provide for, maintaining and operating the projects (including the cost of any insurance) and the administrative expenses of the authority; and (3) to create (during not less than the six years immediately succeeding its issuance of any bonds) a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds in any one year thereafter and to maintain such reserve.

35.82.090 Rentals and tenant selection. In the operation and management of housing projects an authority shall at all times observe the following duties with respect to rentals and tenant selection: (1) it may rent or lease the dwelling accommodations therein only to persons of low income and at rentals within the financial reach of such persons of low income; (2) it may rent or

lease to a tenant dwelling accommodations consisting of the number of rooms (but no greater number) which is deemed necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding; and (3) it shall not accept any person as a tenant in any housing project if the person or persons who would occupy the dwelling accommodations have an annual net income in excess of five times the annual rental of the quarters to be furnished such person or persons, except that in the case of families with three or more minor dependents, such ratio shall not exceed six to one; in computing the rental for this purpose of selecting tenants, there shall be included in the rental the average annual cost (as determined by the authority) to occupants of heat, water, electricity, gas, cooking range and other necessary services or facilities, whether or not the charge for such services and facilities is in fact included in the rental.

Nothing contained in this section or RCW 35.82.080 shall be construed as limiting the power of an authority to vest in an obligee the right, in the event of a default by the authority, to take possession of a housing project or cause the appointment of a receiver thereof, free from all the restrictions imposed by this section or RCW 35.82.080.

35.82.100 Cooperation between authorities. Any two or more authorities may join or cooperate with one another in the exercise of any or all of the powers conferred hereby for the purpose of financing, planning, undertaking, constructing or operating a housing project or projects located within the area of operation of any one or more of said authorities.

35.82.110 Eminent domain. An authority shall have the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for its purposes under this chapter after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise the power of eminent domain in the same manner and under the same procedure as now is or may be hereafter provided by law in the case of other corporations authorized by the laws of the state to exercise the right of eminent domain; or it may exercise the power of eminent domain in the manner now or which may be hereafter provided by any other applicable statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like manner: *Provided*, That no real property belonging to the city, the county, the state or any political subdivision thereof may be acquired without its consent.

35.82.120 Planning, zoning and buildings laws. All housing projects of an authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the housing project is situated. In the planning and location of any housing project, an authority shall take into consideration the relationship of the project to any larger plan or long-range program for the development of the area in which the housing authority functions.

35.82.130 Bonds. An authority shall have power to issue bonds from time to time in its discretion, for any of its corporate purposes. An authority shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. An authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds on which the principal and interest are payable: (1) exclusively from the income and revenues of the housing project financed with the proceeds of such bonds; (2) exclusively from the income and revenues of certain designated housing projects whether or not they are financed in whole or in part with the proceeds of such bonds; or (3) from its revenues generally. Any such bonds may be additionally secured by a pledge of any grant or contributions from the federal government or other source, or a pledge of any income or revenues of the authority, or a mortgage of any housing project, projects or other property of the authority.

Neither the commissioners of an authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of an authority (and such bonds and obligations shall so state on their face) shall not be a debt of the city, the county, the state or any political subdivision thereof and neither the city or the county, nor the state or any political subdivision thereof shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said authority. The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. Bonds of an authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes.

35.82.140 Form and sale of bonds. Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding six percent per annum, be in such denomination or denominations, be in such

form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide.

The bonds may be sold at public or private sale at not less than par.

In case any of the commissioners or officers of the authority whose signatures appear on any bond or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

In any suit, action or proceedings involving the validity or enforceability of any bond of an authority or the security therefor, any such bond reciting in substance that it has been issued by the authority to aid in financing a housing project to provide dwelling accommodations for persons of low income shall be conclusively deemed to have been issued for a housing project of such character and said project shall be conclusively deemed to have been planned, located and constructed in accordance with the purposes and provisions of this chapter.

35.82.150 Provisions of bonds, trust indentures, and mortgages.

In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds or obligations, an authority, in addition to its other powers, shall have power:

(1) To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

(2) To mortgage all or any part of its real or personal property, then owned or thereafter acquired.

(3) To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any housing project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

(4) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement

of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(5) To covenant (subject to the limitations contained in this chapter) as to the rents and fees to be charged in the operation of a housing project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the moneys held in such funds.

(6) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which much consent thereto and the manner in which such consent may be given.

(7) To covenant as to use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

(8) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(9) To vest in a trustee or trustees or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in a trustee or trustees the right, in the event of a default by said authority, to take possession and use, operate and manage any housing project or part thereof, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the authority with said trustee; to provide for the powers and duties of a trustee or trustees and to limit the liabilities thereof; and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

(10) To exercise all or any part or combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; to make such covenants and to do any and all such acts

and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of said authority, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

35.82.160 Certification by attorney general. Any authority may submit to the attorney general of the state any bonds to be issued hereunder after all proceedings for the issuance of such bonds have been taken. Upon the submission of such proceedings to the attorney general, it shall be the duty of the attorney general to examine into and pass upon the validity of such bonds and the regularity of all proceedings in connection therewith. If such proceedings conform to the provisions of this chapter and are otherwise regular in form and if such bonds when delivered and paid for will constitute binding and legal obligations of the authority enforceable according to the terms thereof, the attorney general shall certify in substance upon the back of each of said bonds that it is issued in accordance with the Constitution and laws of the state of Washington.

35.82.170 Remedies of an obligee of authority. An obligee of an authority shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

(1) By mandamus, suit, action or proceeding at law or in equity to compel said authority and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of said authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of said authority and the fulfillment of all duties imposed upon said authority by this chapter.

(2) By suit, action or proceeding in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of said authority.

35.82.180 Additional remedies conferable by authority. An authority shall have power by its resolution, trust indenture, mortgage, lease or other contract to confer upon any obligee holding or representing a specified amount in bonds, or holding a lease, the right (in addition to all rights that may otherwise be conferred), upon the happening of an event of default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction:

(1) To cause possession of any housing project or any part thereof to be surrendered to any such obligee.

(2) To obtain the appointment of a receiver of any housing project of said authority or any part thereof and of the rents and

profits therefrom. If such receiver be appointed, he may enter and take possession of such housing project or any part thereof and operate and maintain same, and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom, and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of said authority as the court shall direct.

(3) To require said authority and the commissioners thereof to account as if it and they were the trustees of an express trust.

35.82.190 Exemption of property from execution sale. All real property of an authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against an authority be a charge or lien upon its real property: *Provided, however,* That the provisions of this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage of an authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an authority on its rents, fees or revenues.

35.82.200 Aid from federal government. In addition to the powers conferred upon an authority by other provisions of this chapter, an authority is empowered to borrow money or accept contributions, grants or other financial assistance from the federal government for or in aid of any housing project within its area of operation, to take over or lease or manage any housing project or undertaking constructed or owned by the federal government, and to these ends, to comply with such conditions and enter into such mortgages, trust indentures, leases or agreements as may be necessary, convenient or desirable. It is the purpose and intent of this chapter to authorize every authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the federal government in the undertaking, construction, maintenance or operation of any housing project by such authority.

35.82.210 Tax exemption and payments in lieu of taxes. The property of an authority is declared to be public property used for essential public and governmental purposes and such property and an authority shall be exempt from all taxes and special assessments of the city, the county, the state or any political subdivision thereof: *Provided, however,* That in lieu of such taxes an authority may agree to make payments to the city or the county or any such political subdivision for improvements, services and facilities furnished by such city, county or political subdivision for the benefit of a housing project, but in no event shall such payments exceed the amount last levied as the annual tax of such city, county or political subdivi-

vision upon the property included in said project prior to the time of its acquisition by the authority.

35.82.220 Housing bonds legal investments and security. Notwithstanding any restrictions on investments contained in any laws of this state, the state and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by a housing authority pursuant to the housing authorities law of this state or issued by any public housing authority or agency in the United States, when such bonds or other obligations are secured by a pledge of annual contributions to be paid by the United States government or any agency thereof, and such bonds and other obligations shall be authorized security for all public deposits; it being the purpose of this chapter to authorize any persons, firms, corporations, associations, political subdivisions, bodies and officers, public or private, to use any funds owned or controlled by them, including (but not limited to) sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations: *Provided, however,* That nothing contained in this chapter shall be construed as relieving any person, firm or corporation from any duty of exercising reasonable care in selecting securities.

35.82.230 Reports. At least once a year, an authority shall file with the clerk a report of its activities for the preceding year, and shall make recommendations with reference to such additional legislation or other action as it deems necessary in order to carry out the purposes of this chapter.

35.82.240 Rural housing projects. Housing authorities created for counties are specifically empowered and authorized to borrow money, accept grants and exercise their other powers to provide housing for farmers of low income as herein defined. In providing such housing, such housing authorities shall not be subject to the tenant selection limitations provided in RCW 35.82.090(3). In connection with such projects, such housing authorities may enter into such leases or purchase agreements, accept such conveyances and rent or sell dwellings forming part of such projects to or for farmers of low income, as such housing authority deems necessary in order

to assure the achievement of the objectives of this chapter. Such leases, agreements or conveyances may include such covenants as the housing authority deems appropriate regarding such dwellings and the tracts of land described in any such instrument, which covenants shall be deemed to run with the land where the housing authority deems it necessary and the parties to such instrument so stipulate. Nothing contained in this section shall be construed as limiting any other powers of any housing authority.

35.82.250 Housing applications by farmers. The owner of any farm operated, or worked upon, by farmers of low income in need of safe and sanitary housing may file an application with a housing authority of a county requesting that it provide for a safe and sanitary dwelling or dwellings for occupancy by such farmers of low income. Such applications shall be received and examined by housing authorities in connection with the formulation of projects or programs to provide housing for farmers of low income.

35.82.260 Farmers of low income. "Farmers of low income" shall mean persons or families who at the time of their admission to occupancy in a dwelling of a housing authority: (1) live under unsafe or insanitary housing conditions; (2) derive their principal income from operating or working upon a farm; and (3) had an aggregate average annual net income for the three years preceding their admission that was less than the amount determined by the housing authority to be necessary, within its area of operation, to enable them, without financial assistance, to obtain decent, safe and sanitary housing without overcrowding.

35.82.270 Powers are additional. The powers conferred by RCW 35.82.240 through 35.82.270 shall be in addition and supplemental to the powers conferred by any other law, and nothing contained herein shall be construed as limiting any other powers of any housing authority.

35.82.900 Short title. This chapter shall be known and may be cited as the "Housing Authorities Law."

35.82.910 Chapter controlling. Insofar as the provisions of this chapter are inconsistent with the provisions of any other law, the provisions of this chapter shall be controlling.

Chapter 35.83

HOUSING COOPERATION LAW

35.83.005 Short title. This act may be referred to as the "Housing Cooperation Law."

35.83.010 Finding and declaration of necessity. It has been found and declared in the housing authorities law that there exist in the state unsafe and insanitary housing conditions and a shortage of safe and sanitary dwelling accommodations for persons of low income; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities; and that the public interest requires the remedying of these conditions. It is hereby found and declared that the assistance herein provided for the remedying of the conditions set forth in the housing authorities law constitutes a public use and purpose and an essential governmental function for which public moneys may be spent, and other aid given; that it is a proper public purpose for any state public body to aid any housing authority operating within its boundaries or jurisdiction or any housing project located therein, as the state public body derives immediate benefits and advantages from such an authority or project; and that the provisions hereinafter enacted are necessary in the public interest.

35.83.020 Definitions. The following terms, whenever used or referred to in this chapter shall have the following respective meanings, unless a different meaning clearly appears from the context:

(1) "Housing authority" shall mean any housing authority created pursuant to the housing authorities law of this state.

(2) "Housing project" shall mean any work or undertaking of a housing authority pursuant to the housing authorities law or any similar work or undertaking of the federal government.

(3) "State public body" shall mean any city, town, county, municipal corporation, commission, district, authority, other subdivision or public body of the state.

(4) "Governing body" shall mean the council, the commission, board of county commissioners or other body having charge of the fiscal affairs of the state public body.

(5) "Federal government" shall include the United States of America, the United States housing authority, or any other agency or instrumentality, corporate or otherwise, of the United States of America.

35.83.030 Cooperation in undertaking housing projects. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of housing projects located within the area in which it is authorized to act, any state public body may upon such terms, with or without consideration, as it may determine:

(1) Dedicate, sell, convey or lease any of its interest in any property, or grant easements, licenses or any other rights or privileges therein to a housing authority or the federal government;

(2) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with housing projects;

(3) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake;

(4) Plan or replan, zone or rezone any part of such state public body; make exceptions from building regulations and ordinances; any city or town also may change its map;

(5) Cause services to be furnished to the housing authority of the character which such state public body is otherwise empowered to furnish;

(6) Enter into agreements with respect to the exercise by such state public body of its powers relating to the repair, elimination or closing of unsafe, insanitary or unfit dwellings;

(7) Employ (notwithstanding the provisions of any other law) any funds belonging to or within the control of such state public body, including funds derived from the sale or furnishing of property or facilities to a housing authority, in the purchase of the bonds or other obligations of a housing authority; and exercise all the rights of any holder of such bonds or other obligations;

(8) Do any and all things, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of such housing projects;

(9) Incur the entire expense of any public improvements made by such state public body in exercising the powers granted in this chapter;

(10) Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary), with a housing authority respecting action to be taken by such state public body pursuant to any of the powers granted by this chapter. Any law or statute to the contrary notwithstanding, any sale, conveyance, lease or agreement provided for in this section may be made by a state public body without appraisal, advertisement or public bidding: *Provided*, There must be five days public notice given either by posting in three public places or publishing in the official county newspaper of the county wherein the property is located; and

(11) With respect to any housing project which a housing authority has acquired or taken over from the federal government and which the housing authority by resolution has found and declared to have been constructed in a manner that will promote the public interest and afford necessary safety, sanitation and other protection, no state public body shall require any changes to be made in the

housing project or the manner of its construction or take any other action relating to such construction.

35.83.040 Agreements as to payments by housing authority. In connection with any housing project located wholly or partly within the area in which it is authorized to act, any state public body may agree with a housing authority or the federal government that a certain sum (in no event to exceed the amount last levied as the annual tax of such state public body upon the property included in said project prior to the time of its acquisition by the housing authority) or that no sum, shall be paid by the authority in lieu of taxes for any year or period of years.

35.83.050 Advances to housing authority. Any city, town, or county located in whole or in part within the area of operation of a housing authority shall have the power from time to time to lend or donate money to such authority or to agree to take such action. Such housing authority, when it has money available therefor, shall make reimbursements for all such loans made to it.

35.83.060 Procedure for exercising powers. The exercise by a state public body of the powers herein granted may be authorized by resolution of the governing body of such state public body adopted by a majority of the members of its governing body present at a meeting of said governing body, which resolution may be adopted at the meeting at which such resolution is introduced. Such a resolution or resolutions shall take effect immediately and need not be laid over or published or posted.

35.83.070 Supplemental nature of chapter. The powers conferred by this chapter shall be in addition and supplemental to the powers conferred by any other law.

Chapter 35.84

UTILITY AND OTHER SERVICES BEYOND CITY LIMITS

35.84.010 Electric energy—Sale of—Purchase. Every city or town owning its own electric power and light plant, shall have the right to sell and dispose of electric energy to any other city or town, public utility district, governmental agency, or municipal corporation, mutual association, or to any person, firm, or corporation, inside or outside its corporate limits, and to purchase electric energy therefrom.

35.84.020 Electric energy facilities—Right to acquire. Every city or town owning its own electric power and light plant may acquire, construct, purchase, condemn and purchase, own, operate, control,

add to and maintain lands, easements, rights-of-way, franchises, distribution systems, substations, inter-tie or transmission lines, to enable it to use, purchase, sell, and dispose of electric energy inside or outside its corporate limits, or to connect its electric plant with any other electric plant or system, or to connect parts of its own electric system.

35.84.030 Limitation on right of eminent domain. Every city or town owning its own electric power and light plant may exercise the power of eminent domain as provided by law for the condemnation of private property for any of the corporate uses or purposes of the city or town: *Provided*, That no city or town shall acquire, by purchase or condemnation, any publicly or privately owned electric power and light plant or electric system located in any other city or town except with the approval of a majority of the qualified electors of the city or town in which the property to be acquired is situated; nor shall any city or town acquire by condemnation the electric power and light plant or electric system, or any part thereof, belonging to or owned or operated by any municipal corporation, mutual, nonprofit, or cooperative association or organization, or by a public utility district.

35.84.040 Fire apparatus—Use beyond city limits. Every municipal corporation which owns, operates, or maintains fire apparatus and equipment may permit, under conditions prescribed by the governing body of such corporation, such equipment and the personnel operating the same to go outside of the corporate limits of such municipality for the purpose of extinguishing or aiding in the extinguishing or control of fires. Any use made of such equipment or personnel under the authority of this section shall be deemed an exercise of a governmental function of such municipal corporation.

35.84.050 Fireman injured outside corporate limits. Whenever a fireman engages in any duty outside the limits of such municipality, such duty shall be considered as part of his duty as fireman for the municipality, and a fireman who is injured while engaged in such duties outside the limits of the municipality shall be entitled to the same benefits that he or his family would be entitled to receive had he been injured within the municipality.

35.84.060 Street railway extensions. Every municipal corporation which owns or operates any street railway within the corporate limits thereof, may acquire, construct and extend, own and operate such street railway to any point or points not to exceed eight miles outside of its said corporate limits, measured along the line of such railway.

Chapter 35.85**VIADUCTS, ELEVATED ROADWAYS, TUNNELS AND SUBWAYS**

35.85.010 Authority to construct viaducts, bridges, elevated roadways, etc. Any city of the first class shall have power to provide for the construction, maintenance and operation upon public streets and upon the extensions and connections thereof over intervening tidelands to and across any harbor reserves, waterways, canals, rivers, natural watercourses and other channels, any bridges, drawbridges, viaducts, elevated roadways and tunnels or any combination thereof together with all necessary approaches thereto, with or without street railway tracks thereon or therein, and to make any and all necessary cuts, fills, or other construction, upon, in, or along such streets and approaches as a part of any such improvement, and to order any and all work to be done which shall be necessary to complete any such improvement. The word "approaches" as used in this section shall include any arterial highway or highways or streets connecting with any such bridge, drawbridge, viaduct, elevated roadway or tunnel, or combination thereof, which are necessary to give convenient access thereto or therefrom from any portion of the improvement district which may be specially benefited by such improvement and which is liable to assessment for such improvement.

Whenever it is desired to pay the whole or any portion of the cost and expense of any such improvement by special assessments, the council or other legislative body of such city shall in the ordinance ordering such improvement fix and establish the boundaries of the improvement district, the property within which is to bear such assessment, which district shall include as near as may be, all the property specially benefited by such improvement.

35.85.020 Assessment district—Resolution—Hearing—Ordinance ordering improvement. Any such improvement may be initiated by the city council, or other legislative body, by a resolution, declaring its intention to order such improvement, which resolution shall set forth the nature and territorial extent of such proposed improvement, shall specify and describe the boundaries of the proposed improvement district and notify all persons who may desire to object thereto to appear and present such objections at a meeting of the council specified in such resolution and directing the board of public works, or other proper board, officer, or authority of the city, to submit to such council at or prior to the date fixed for such hearing the estimated cost and expense of the improvement, and a statement of the proportionate amount thereof which should be

borne by the property within the proposed improvement district, and a statement of the aggregate assessed valuation of the real property exclusive of improvements, within said district, according to the valuation last placed upon it for purposes of general taxation. Such resolution shall be published in at least two consecutive issues of the official newspaper of the city, the date of the first publication to be at least thirty days prior to the date fixed by the resolution for hearing before the council.

Upon such hearing, or upon any adjournment thereof, the council shall have power to amend, change, extend, or contract the boundaries of the proposed improvement district as specified in the resolution, and to consider and determine all matters in relation to the proposed improvement, and, upon the conclusion of the hearing, or any adjournment thereof, shall have power by ordinance to order the improvement to be made and to adopt, fix and establish the boundaries of the improvement district. The action of such council in ordering such improvement, or in abandoning it, and in fixing and establishing the boundaries of the improvement district shall be final and conclusive. Any such ordinance may be passed upon majority vote of the council or other legislative body of the city.

Such ordinance may provide for the construction of the improvement in sections, the letting of separate contracts for each such section, and, in case the same is made in sections, separate assessment rolls to defray the cost and expense of any such section of such improvement may be prepared, and the amounts thereon appearing as finally determined, may be levied and assessed against real property within the improvement district. The provisions of law, charter and ordinance of any such city, relating to supplemental assessments, reassessments and omitted property shall be applicable to any improvement authorized in this chapter.

The city council, or other legislative body of such city, shall by general ordinance, make provision for hearing any objections in writing, to any assessment roll for such improvement, filed with the city clerk or comptroller at a prior date to the hearing thereon. Any right of appeal to the superior court provided by law to be taken from any local improvement assessment levied and assessed by any such city, may be exercised, within the time and in the manner therein provided, by any person so objecting to any assessment levied and assessed for any improvement authorized in this chapter.

35.85.030 Limit of assessment—Lien—Priority. The city council may prescribe by general ordinance, the mode and manner in which the charge upon property in such local improvement district shall be assessed and determined for the purpose of paying the cost and expense of establishing and constructing such improvement: *Provided*, That no assessment shall be levied on any such district,

the aggregate of which is a greater sum than twenty-five percent of the assessed value of all the real property in such district according to the last equalized assessment thereof for general taxation: *Provided further*, That there shall be, in all cases, an opportunity for a hearing upon objections to the assessment roll by the parties affected thereby, before the council as a board of equalization, which hearing shall be after publication of a reasonable notice thereof, such notice to be published in such manner and for such time as may be prescribed by ordinance. At such hearing, or at legal adjournments thereof, such changes may be made in the assessment roll as the city council may find necessary to make the same just and equitable. Railroad rights-of-way shall be assessed for such benefits as shall inure or accrue to the owners, lessees, or operators of the same, resulting or to result from the construction and maintenance of any such improvement, whether such rights-of-way lie within the limits of any street or highway or not; such assessment to lie against the franchise rights when such right-of-way is within such street or highway.

When the assessment roll has been finally confirmed by the city council, the charges therein made shall be and become a lien against the property or franchise therein described, paramount to all other liens (except liens for assessments and taxes) upon the property assessed from the time the assessment roll shall be placed in the hands of the collector.

35.85.040 Operation by city—Leases—Use of income. As a part of the original construction of any improvement herein authorized, or afterward as an alteration or renewal thereof, any such city, notwithstanding any charter provision to the contrary, may, at its own cost, construct, maintain and operate street railway tracks in the roadway thereof, and may provide electric power for the propulsion of cars, and may lease the use of such tracks and power for the operation of street cars or interurban railways; or such city may authorize any operator of the street or interurban railways to construct and furnish such street railway tracks and electric power and use the same for street or interurban purposes, under lease or franchise ordinance: *Provided*, That no such lease or franchise shall be exclusive, but shall at all times reserve the right to the city to permit other lines of street or interurban railway to use such street railway tracks in common with any preceding lessee or grantee, upon equal terms. The rate of lease or use of such street railway tracks for streets or interurban cars shall be as fixed by the legislative authority of the city, but shall not be less than one mill for each passenger carried, or ten cents for each freight car moved over such improvement. The income from such charges, rental and

leasing shall be used wholly for the maintenance, repair and betterment of said improvement and the entingishment of any debt incurred by the city in constructing it.

35.85.050 Authority to construct tunnels and subways. Any city of the first class shall have power to provide for the construction, maintenance and operation within such city of tunnels, subways, or both, with or without roadways, sidewalks, street railway tracks or any combination thereof therein, together with all necessary approaches thereto; and to order any and all work to be done which shall be necessary to complete any such improvement. The word "approaches," as used in this section, shall include any arterial highway or highways or streets connecting with any such tunnel or subway which may be necessary to give convenient access thereto or therefrom from any portion of the improvement district which may be specially benefited by such improvement, and which is liable to assessment for such improvement.

Whenever it is desired to pay the whole or any portion of the cost and expense of any such improvement by special assessments, the council or other legislative body of such city shall, in the ordinance ordering such improvement, fix and establish the boundaries of the improvement district, the property in which is to bear such assessment, which district shall include as near as may be all the property specially benefited by such improvement.

35.85.060 Procedure. Any such improvement may be initiated and assessments therefor determined and levied as prescribed in RCW 35.85.020 to 35.85.040, inclusive.

35.85.070 Assessments—Bonds. Any assessments so levied shall be collected, and bonds may be issued for the payment of the whole or any part of the cost of such improvement, in the manner now or hereafter provided for the collection of assessments and the issuance of bonds for other local improvements.

35.85.080 Construction of chapter. The provisions and remedies provided by this chapter are cumulative of existing provisions and remedies, and nothing herein contained shall be held to repeal any provision of the existing law or of any charter of any city upon the subject matter thereof, but such existing law or charter provision shall continue in full force and effect, and it shall be optional with the city authorities to proceed under either such existing law, charter provision or this chapter.

Chapter 35.86**OFF-STREET PARKING FACILITIES**

35.86.010 Space and facilities authorized and declared public use. Cities of the first, second, and third classes are authorized to provide off-street parking space and facilities for motor vehicles, and the use of real property for such purpose is declared to be a public use.

35.86.020 Financing. In order to provide for off-street parking space and/or facilities, such cities are authorized, in addition to their powers for financing public improvements, to finance their acquisition and construction through the issuance and sale of revenue, general fund and on-street parking revenue bonds. Any bonds issued by such cities pursuant to this section shall be issued in the manner and within the limitations prescribed by the Constitution and the laws of this state.

In addition local improvement districts may be created and their financing procedures used for this purpose in accordance with the provisions of Title 35 as now or hereafter amended.

Such cities may authorize and finance the economic and physical surveys and plans, and construction, for off-street parking, and the maintenance and management of such off-street parking spaces and facilities either within their general budget or by issuing general fund bonds and on-street parking revenue bonds or both.

35.86.030 Acquisition and disposition of real property. Such cities are authorized to obtain by lease, purchase, donation and/or gift, or by eminent domain in the manner provided by law for the exercise of this power by cities, such real property for off-street parking as the legislative bodies thereof determine to be necessary by ordinance. Such property or any fraction or fractions thereof may be sold, transferred, exchanged, leased, or otherwise disposed of by the city when its legislative body has determined by ordinance such property or fraction or fractions thereof is no longer necessary for off-street parking purposes.

35.86.040 Operation—Lease—Bid requirements and procedure. Such cities are authorized to establish the method of operation of off-street parking space and/or facilities by ordinance, which may include leasing or municipal operation: *Provided, however,* That no city with a population of more than one hundred thousand shall operate any such off-street parking space and/or facilities until after it has called for sealed bids from responsible, experienced, private operators of such facilities for the operation thereof. The call for bids shall specify the terms and conditions under which the

facility will be leased for private operation and shall specify a minimum rental upon which such a lease will be made by the city. The minimum rental may be on a weekly or monthly flat fee basis or may be based upon a weekly or monthly percentage of gross income, but it shall in any event be sufficient to cover all of the city's costs in acquiring and/or constructing or improving the facility to be leased, including interest charges, debt retirement, and payment in lieu of the taxes lost by removal of the property from the tax rolls. The call for bids shall specify the time and place at which the bids will be received and the time when the same will be opened, and such call shall be advertised once a week for two successive weeks before the time fixed for the filing of bids in a newspaper of general circulation in the city. The competitive bid requirements of this section shall not apply in any case where such a city shall grant a long-term negotiated lease of any such facility to a private operator on the condition that the tenant-operator shall construct a substantial portion of the facility or the improvements thereto, which construction and/or improvements shall become the property of the city on expiration of the lease. If no bid is received for the operation of such an off-street parking facility, or if none of the bids received meet the minimum rental specified, the legislative body of the city may reject all bids, in the latter case, and in both situations may readvertise the facility for lease or may operate the facility itself. If the city elects to operate the parking facility itself, it shall at least once in every three years again readvertise for bids in the same manner as provided above.

35.86.050 Procedure to establish—Plan, surveys, hearings. In the establishment of off-street parking space and/or facilities, cities shall proceed with the development of the plan therefor by making such economic and physical surveys as are necessary, shall prepare comprehensive plans therefor, and shall hold a public hearing thereon prior to the adoption of any ordinances relating to the leasing or acquisition of property and providing for the financing thereof for this purpose.

35.86.060 Maximum parking fee schedule. The lease referred to in RCW 35.86.040 shall specify a schedule of maximum parking fees which the operator may charge. This maximum parking fee schedule may be modified from time to time by agreement of the city and the operator.

35.86.070 Payments in lieu of taxes. Such cities and/or their lessees shall pay to the county treasurer and to the state treasurer moneys in lieu of real property taxes equal to the amounts which would be paid upon real property condemned pursuant to this chapter were it in private ownership.

35.86.080 Leasing for store space in lieu of undesirable off-street parking facility. Cities are expressly authorized to lease space which would otherwise be wasted in an off-street parking facility for store space, both for the enhancement of civic beauty and aesthetic values and for revenue which such leasing can provide.

35.86.910 Chapter prevails over inconsistent laws. Insofar as the provisions of this chapter are inconsistent with the provisions of any other law, the provisions of this chapter shall be controlling.

Chapter 35.88

WATER POLLUTION—PROTECTION FROM

35.88.010 Authority over sources of supply. For the purpose of protecting the water furnished to the inhabitants of cities and towns from pollution, cities and towns are given jurisdiction over all property occupied by the works, reservoirs, systems, springs, branches and pipes, by means of which, and of all the lakes, rivers, springs, streams, creeks, or tributaries constituting the sources of supply from which the cities and towns or the companies or individuals furnishing water to the inhabitants thereof obtain their supply of water, or store or conduct it, and over all property acquired for any of the foregoing works or purposes or for the preservation and protection of the purity of the water supply, and over all property within the areas draining into the lakes, rivers, springs, streams, creeks or tributaries constituting the sources of supply whether they or any of them are within the city or town limits or outside.

35.88.020 Enforcement of ordinance—Special police. Every city and town may by ordinance prescribe what acts shall constitute offenses against the purity of its water supply and the punishment or penalties therefor and enforce them. The mayor of each city and town may appoint special policemen, with such compensation as the city or town may fix, who shall, after taking oath, have the powers of constables, and who may arrest with or without warrant any person committing, within the territory over which any city or town is given jurisdiction by this chapter, any offense declared by law or by ordinance, against the purity of the water supply, or which violate any rule or regulation lawfully promulgated by the state board of health for the protection of the purity of such water supply. Every special policeman whose appointment is authorized herein may take any person arrested for any such offense or violation before any court having jurisdiction thereof to be proceeded with according to law. Every such special policeman shall, when on duty wear in

plain view a badge or shield bearing the words "special police" and the name of the city or town by which he has been appointed.

35.88.030 Pollution declared to be a nuisance—Abatement. The establishment or maintenance of any slaughter pens, stock feeding yards, hogpens, or the deposit or maintenance of any uncleanly or unwholesome substance, or the conduct of any business or occupation, or the allowing of any condition upon or sufficiently near the (1) sources from which the supply of water for the inhabitants of any city or town is obtained, or (2) where its water is stored, or (3) the property or means through which the same may be conveyed or conducted so that such water would be polluted or the purity of such water or any part thereof destroyed or endangered, is prohibited and declared to be unlawful, and is declared to constitute a nuisance, and may be abated as other nuisances are abated.

35.88.040 Pollution as criminal nuisance—Punishment. Any person who does, establishes, maintains, or creates any of the things which have the effect of polluting any such sources of water supply, or water, and any person who does any of the things in RCW 35.88.030 declared to be unlawful, shall be deemed guilty of creating and maintaining a nuisance, and may be prosecuted therefor, and upon conviction thereof may be fined in any sum not exceeding five hundred dollars.

35.88.050 Prosecution—Trial—Abatement of nuisance. If upon the trial of any person for the violation of any of the provisions of this chapter he is found guilty of creating or maintaining a nuisance or of violating any of the provisions of this chapter, he shall forthwith abate the nuisance, and if he fails so to do within one day after such conviction, unless further time is granted by the court, a warrant shall be issued by the court wherein the conviction was obtained, directed to the sheriff of the county in which such nuisance exists and the sheriff shall forthwith proceed to abate the said nuisance and the cost thereof shall be taxed against the person so convicted as a part of the costs of such case.

35.88.060 Health officers and mayor must enforce. The city health officer, city physician, board of public health, mayor, or any other officer, who has the sanitary condition of the city or town in charge, shall see that the provisions of this chapter are enforced and upon complaint being made to any such officer of an alleged violation, he shall immediately investigate the said complaint and if the same appears to be well founded he shall file a complaint against the person or persons violating any of the provisions of this chapter and cause their arrest and prosecution.

35.88.070 Injunction proceeding. If any provision of this chapter is being violated, the city or town supplied with the water or a corporation owning waterworks for the purpose of supplying the city or town or the inhabitants thereof with water may, by civil action in the superior court of the proper county, have the maintenance of the nuisance which pollutes or tends to pollute the said water, enjoined and such injunction may be perpetual.

35.88.080 Inland cities over 100,000—Discharge of sewage prohibited—Nuisance. Any city not located on tidewater, having a population of one hundred thousand or more, is hereby prohibited from discharging, draining or depositing, or causing to be discharged, drained or deposited, any sewage, garbage, feculent matter, offal, refuse, filth, or any animal, mineral, or vegetable matter or substance, offensive, injurious or dangerous to health, into any springs, streams, rivers, lakes, tributaries thereof, wells, or into any subterranean or other waters used or intended to be used for human or animal consumption or for domestic purposes.

Anything done, maintained, or suffered, in violation of any of the provisions of this section, shall be deemed to be a public nuisance, and may be summarily abated as such by any court of competent jurisdiction at the suit of the director of health or any person whose supply of water for human or animal consumption or for domestic purposes is or may be affected.

35.88.090 ———Investigation of disposal systems by director of health. The director of health shall have the power, and it shall be his duty, to investigate the system of disposal of sewage, garbage, feculent matter, offal, refuse, filth, or any animal, mineral, or vegetable matter or substance, by cities not located on tidewater, having a population of one hundred thousand or more, and if he shall determine upon investigation that any such system or systems of disposal is or may be injurious or dangerous to health, he shall have the power, and it shall be his duty, to order such city or cities to provide for, construct, and maintain a system or systems of disposal which will not be injurious or dangerous to health.

Chapter 35.89

WATER REDEMPTION BONDS

35.89.010 Authority to issue water redemption bonds. If a public water system has been constructed within any local improvement district of any city or town for the construction of which bonds of the local improvement district were issued and are outstanding and unpaid, and if the city or town has taken over the system or is operating it as a public utility or has incorporated it into or

connected it with any system operated by city or town as a public utility, from the operation of which such city or town derives a revenue, the city or town may by resolution of its council authorize the issue of bonds to an amount not exceeding the amount of the local improvement bonds issued for the construction of the water system then outstanding and unpaid with interest due and unpaid, and may redeem the outstanding local improvement bonds by exchanging therefor an equal amount at par of the bonds authorized by this chapter. The new bonds shall be called water redemption bonds.

35.89.020 Bonds—Terms—Execution—Rights of holder. Water redemption bonds shall be in denominations of not more than one thousand nor less than one hundred dollars each, and shall bear interest at a rate of not to exceed six percent per annum, payable semiannually, and shall bear a serial number and shall be signed by the mayor of the city or town and shall be otherwise executed in such manner and payable at such time and place not exceeding twenty years after the date of issue as the city or town council shall determine and such bonds shall be payable only out of the special fund created by authority of this chapter and shall be a valid claim of the holder thereof only against that fund and the fixed portion or amount of the revenues of the water system pledged to the fund, and shall not constitute an indebtedness of the city or town.

35.89.030 Bonds exchange—Subrogation. Water redemption bonds issued under the authority of this chapter shall only be sold or disposed of in exchange for an equal amount in par value of principal and interest of the local improvement district bonds issued for the construction of water systems taken over and operated by the city or town, or incorporated into or connected with a water system operated by it.

Upon the exchange of the water redemption bonds authorized by this chapter for local improvement district bonds the city or town shall be subrogated to all the rights of the owners and holders of such local improvement district bonds against the property of the local improvement district and against any person or corporation liable thereon.

Any money derived by the city or town from the sale or enforcement of such local improvement district bonds shall be paid into the city's water redemption fund.

35.89.040 Water redemption fund—Creation. The city or town council before issuing water redemption bonds shall by ordinance establish a fund for the payment of the bonds at maturity and of interest thereon as it matures to be designated the water redemption fund.

35.89.050 Water redemption fund—Sources. Every city and town shall have power to regulate and control the use and price of water supplied through a water system taken over from a local improvement district.

It shall establish such rates and charges for the water as shall be sufficient after providing for the operation and maintenance of the system to provide for the payment of the water redemption bonds at maturity and of interest thereon as it matures, and such portion shall be included in and collected as a part of the charges made by such city or town for water supplied through such water system and such portion shall be paid into the water redemption fund.

35.89.060 Water redemption fund—Trust fund. All moneys paid into or collected for the water redemption fund shall be used for the payment of principal and interest of the water redemption bonds issued under the authority of this chapter and no part thereof while any of said bonds are outstanding and unpaid, shall be diverted to any other fund or use: *Provided*, That when both principal and interest on all water redemption bonds issued and outstanding have been paid, any unexpended balance remaining in the fund may be transferred to the general fund or such other fund as the city or town council may direct.

35.89.070 Payment of interest on bonds. The treasurer of such city or town shall pay the interest on the water redemption bonds authorized by this chapter out of the money in the water redemption fund.

35.89.080 Payment of principal of bonds. Whenever there is sufficient money in the water redemption fund, over and above the amount that will be required to pay the interest on the bonds up to the time of maturity of the next interest payment, to pay the principal of one or more bonds, the city or town treasurer shall call in and pay such bonds. The bonds shall be called and paid in their numerical order, and the call shall be made by publication in the official newspaper of the city or town. The call shall state the total amount and the serial number or numbers of the bonds called and that they will be paid on the date when the next semiannual payment of interest will be due, and that interest on the bonds called will cease from such date.

35.89.090 Violations—Penalties—Personal liability. Every ordinance, resolution, order, or action of the council, board, or officer of any city or town, and every warrant or other instrument made, issued, passed or done in violation of the provisions of this chapter shall be void.

Every officer, agent, employee, or member of the council of the city or town, and every person or corporation who shall knowingly commit any violation of the provisions of this chapter or knowingly aid in such violation, shall be liable to the city or town for all money transferred, diverted or paid out in violation thereof and such liability shall attach to and be enforceable against the official bond, if any, of such official agent, employee, or member of the council.

35.89.100 Water systems—What included. The term “water system” as used in this chapter shall include and be applicable to all reservoirs, storage and clarifying tanks, conduits, mains, laterals, pipes, hydrants and other equipment used or constructed for the purpose of supplying water for public or domestic use, and shall include not only water systems constructed by local improvement districts, but also any system with which the same may be incorporated or connected.

Chapter 35.91

MUNICIPAL WATER AND SEWER FACILITIES ACT

35.91.010 Declaration of purpose—Short title. The improvement of public health and the implementation of both urban and rural development being furthered by adequate and comprehensive water facilities and storm and sanitary sewer systems, and there being a need for legislation enabling such aids to the welfare of the state, there is hereby enacted the “municipal water and sewer facilities act.”

35.91.020 Contracts with owners of real estate for water or sewer facilities—Reimbursement of costs by subsequent users. The governing body of any city, town, sewer district, water district or drainage district, hereinafter referred to as a “municipality” may contract with owners of real estate for the construction of storm, sanitary or combination sewers, pumping stations and disposal plants, water mains, hydrants or appurtenances, hereinafter called “water or sewer facilities”, within their boundaries or within four miles from their corporate limits connecting with the public water or sewerage system to serve the area in which the real estate of such owners is located, and to provide for a period of not to exceed fifteen years for the reimbursement of such owners and their assigns by any owner of real estate who did not contribute to the original cost of such water or sewer facilities and who subsequently tap onto or use the same of a fair pro rata share of the cost of the construction of said water or sewer facilities, including not only those directly connected thereto, but also users connected to laterals or branches connecting thereto, subject to such reasonable rules and regulations

as the governing body of such municipality may provide or contract, and notwithstanding the provisions of any other law. The provisions of such contract shall not be effective as to any owner of real estate not a party thereto unless such contract shall have been recorded in the office of the county auditor of the county in which the real estate of such owner is located prior to the time such owner taps into or connects to said water or sewer facilities. The power of the governing body of such municipality to so contract shall also apply to water or sewer facilities in process of construction on June 10, 1959 or which shall not have been finally approved or accepted for full maintenance and operation by such municipality upon June 10, 1959.

35.91.030 Approval and acceptance of facilities by municipality—Rates, costs. Upon the completion of water or sewer facilities pursuant to contract mentioned in the foregoing section, the governing body of any such municipality shall be authorized to approve their construction and accept the same as facilities of the municipality and to charge for their use such water or sewer rates as such municipality may be authorized by law to establish, and if any such water or sewer facilities are so approved and accepted, all further maintenance and operation costs of said water or sewer lines and facilities shall be borne by such municipality.

35.91.040 Contract payment to be made prior to tap, connection, or use—Removal of tap or connection. No person, firm or corporation shall be granted a permit or be authorized to tap into, or use any such water or sewer facilities or extensions thereof during the period of time prescribed in such contract without first paying to the municipality, in addition to any and all other costs and charges made or assessed for such tap, or use, or for the water lines or sewers constructed in connection therewith, the amount required by the provisions of the contract under which the water or sewer facilities so tapped into or used were constructed. All amounts so received by the municipality shall be paid out by it under the terms of such contract within sixty days after the receipt thereof. Whenever any tap or connection is made into any such contracted water or sewer facilities without such payment having first been made, the governing body of the municipality may remove, or cause to be removed, such unauthorized tap or connection and all connecting tile, or pipe located in the facility right of way and dispose of unauthorized material so removed without any liability whatsoever.

35.91.050 Owner's pro rata share of cost to which he did not contribute. Whenever the cost, or any part thereof, of any water or sewer improvement, whether local or general, is or will be assessed against the owners of real estate and such water or sewer im-

provement will be connected into or will make use of, contracted water or sewer facilities constructed under the provisions of this chapter and to the cost of which such owners, or any of them, did not contribute, there shall be included in the engineer's estimate before the hearing on any such improvement, separately itemized, and in such assessments, a sum equal to the amount provided in or computed from such contract as the fair pro rata share due from such owners upon and for such contracted water or sewer facilities.

Chapter 35.92

MUNICIPAL UTILITIES

35.92.010 Authority to acquire and operate waterworks—Classification of services for rates. A city or town may construct, condemn and purchase, purchase, acquire, add to, maintain and operate waterworks, within or without its limits, for the purpose of furnishing the city and its inhabitants, and any other persons, with an ample supply of water for all purposes, public and private, including water power and other power derived therefrom, with full power to regulate and control the use, distribution, and price thereof: *Provided*, That the rates charged must be uniform for the same class of customers or service. In classifying customers served or service furnished, the city or town governing body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; capital contributions made to the system including, but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction. No rate shall be charged that is less than the cost of the water and service to the class of customers served.

For such purposes any city or town may take, condemn and purchase, purchase, acquire, and retain water from any public or navigable lake or watercourse, surface or ground, and, by means of aqueducts or pipe lines, conduct it to the city or town; and it may erect and build dams or other works across or at the outlet of any lake or watercourse in this state for the purpose of storing and retaining water therein up to and above high water mark; and for all the purposes of erecting such aqueducts, pipe lines, dams, or waterworks or other necessary structures in storing and retaining water, or for any of the purposes provided for by this chapter, the city or town may occupy and use the beds and shores up to the

high water mark of any such watercourse or lake, and acquire the right by purchase, or by condemnation and purchase, or otherwise, to any water, water rights, easements or privileges named in this chapter, or necessary for any of said purposes, and the city or town may acquire by purchase or condemnation and purchase any properties or privileges necessary to be had to protect its water supply from pollution. Should private property be necessary for any such purposes or for storing water above high water mark, the city or town may condemn and purchase, or purchase and acquire such private property.

35.92.012 May accept and operate water district's property when boundaries are identical. A town, whose boundaries are identical with those of a water district which is free from all debts and liabilities except contractual obligations between the district and the town, may accept the property and assets of the water district and operate such property and assets as a municipal waterworks, if the district and the town each participate in a summary dissolution proceedings for the district as provided in RCW 57.04.110.

35.92.014 Acquisition of out-of-state waterworks. Municipalities of this state under ordinance of the governing body are empowered to acquire by purchase or lease, and to maintain and operate, in cooperation with neighboring municipalities of states bordering this state, the out-of-state property, plant and equipment of privately owned utilities supplying water to the purchasing municipalities from an out-of-state source: *Provided*, The legislature of the state in which such property, plant, equipment and supply are located, by enabling legislation similar to this, authorizes its municipalities to join in such acquisition, maintenance and operation.

35.92.015 ————Joint acquisition and operation. The governing bodies of the municipalities acting jointly under RCW 35.92.014 and this section shall have authority by mutual agreement to exercise jointly all powers granted to each individual municipality in the acquisition, maintenance and operation of a water supply system.

35.92.020 Authority to acquire and operate sewerage and garbage systems—Classification of services for rates. A city or town may also construct, condemn and purchase, purchase, acquire, add to, maintain, and operate systems of sewerage, and systems and plants for garbage and refuse collection and disposal, with full authority to manage, regulate, operate, and control them, and to fix the price of service thereof, within and without the limits of the city or town: *Provided*, That the rates charged must be uniform for the same class of customers or service. In classifying customers served or service furnished by such system of sewerage, the city or town governing

body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the system, including but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction.

35.92.025 Authority to make charges for connecting to water or sewerage system. Cities and towns are authorized to charge property owners seeking to connect to the water or sewerage system of the city or town as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the legislative body of the city or town shall determine proper in order that such property owners shall bear their equitable share of the cost of such system. Connection charges collected shall be considered revenue of such system.

35.92.030 Authority to acquire and operate stone or asphalt plants. A city or town may also construct, condemn and purchase, purchase, acquire, add to, maintain, and operate works, plants and facilities for the preparation and manufacture of all stone or asphalt products or compositions or other materials which may be used in street construction or maintenance, together with the right to use them, and also fix the price of and sell such products for use in the construction of municipal improvements.

35.92.040 Authority to acquire and operate public markets and cold storage plants. A city or town may also construct, acquire, and operate public markets and cold storage plants for the sale and preservation of butter, eggs, meats, fish, fruits, vegetables, and other perishable provisions.

35.92.050 Authority to acquire and operate utilities. A city or town may also construct, condemn and purchase, purchase, acquire, add to, maintain and operate works, plants, facilities for the purpose of furnishing the city or town and its inhabitants, and any other persons, with gas, electricity, and other means of power and facilities for lighting, heating, fuel, and power purposes, public and private, with full authority to regulate and control the use, distribution, and price thereof, together with the right to handle and sell or lease, any meters, lamps, motors, transformers, and equipment or accessories of any kind, necessary and convenient for the use, distribution, and sale thereof; authorize the construction of such plant

or plants by others for the same purpose, and purchase gas, electricity, or power from either within or without the city or town for its own use and for the purpose of selling to its inhabitants and to other persons doing business within the city or town and regulate and control the use and price thereof.

35.92.054 May acquire electrical distribution property from public utility district. Any city or town may acquire by purchase or condemnation from any public utility district or combination of public utility districts any electrical distribution property within the boundaries of such city or town: *Provided*, That such right of condemnation shall not apply to a city or town located within a public utility district that owns the electric distribution properties sought to be condemned.

35.92.060 Authority to acquire and operate transportation facilities. A city or town may also construct, condemn and purchase, purchase, acquire, add to, maintain, operate, or lease cable, electric, and other railways, automobiles, motor cars, motor buses, auto trucks, and any and all other forms or methods of transportation of freight or passengers within the corporate limits of the city or town for the transportation of freight and passengers above, upon, or underneath the ground, and fix, alter, regulate, and control the fares and rates to be charged therefor; and without the payment of any license fee or tax, or the filing of a bond with, or the securing of a permit from, the state, or any department thereof, and to engage in, carry on, and operate the business of transporting and carrying passengers or freight for hire by any method or combination of methods that the legislative authority of any city or town may by ordinance provide, with full authority to regulate and control the use and operation of vehicles or other agencies of transportation used for such business.

35.92.070 Procedure. When the governing body of a city or town deems it advisable that the city or town purchase, acquire, or construct any such public utility or make any additions and betterments thereto or extensions thereof, it shall provide therefor by ordinance, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as near as may be, and the ordinance shall be submitted for ratification or rejection to the voters of the city or town at a general or special election, except in the following cases where no submission shall be necessary:

(1) When the work proposed is an addition to, or betterment of, or extension of, or an increased water supply for, existing waterworks, or an addition, betterment, or extension of an existing system or plant of any other public utility for which no general indebtedness is to be incurred by the city or town;

(2) When in the charter of a city or town a provision has been adopted authorizing the corporate authorities thereof to provide by ordinance for acquiring, opening, or operating any of such public utilities, for which no general indebtedness is to be incurred; or

(3) When in the judgment of the corporate authority, the public health is being endangered by the discharge of raw or untreated sewage into any river or stream and the danger to the public health may be abated by the construction and maintenance of a sewage disposal plant for which no general indebtedness shall be incurred by the city or town responsible for such contamination.

If a general indebtedness is to be incurred, the amount and terms thereof shall be included in the proposition submitted to the voters and such proposition shall be adopted by three-fifths of the voters voting at such election.

If no general indebtedness is to be incurred the proposition may be adopted by a majority vote.

Ten days' notice of the election shall be given in the newspaper doing the city or town printing, by publication in each issue of the paper during such time.

When a proposition has been adopted, or in the cases where no submission is necessary, the corporate authorities of the city or town may proceed forthwith to purchase, construct, and acquire the public utility or make additions, betterments, and extensions thereto and to make payment therefor.

35.92.080 General indebtedness bonds. When the voters have adopted a proposition for any public utility and have authorized a general indebtedness, general city or town bonds may be issued. The bonds shall be registered or coupon bonds; issued in denominations of not less than one hundred nor more than one thousand dollars; numbered from one up consecutively; bear the date of their issue; payable not more than twenty years from date; and bear interest not exceeding six percent per year, payable semi-annually, with interest coupons attached and the principal and interest shall be made payable at such place as may be designated. The bonds and each coupon shall be signed by the mayor and attested by the clerk under the seal of the city or town.

There shall be levied each year a tax upon the taxable property of the city or town sufficient to pay the interest and principal of the bonds then due, which taxes shall become due and collectible as other taxes. The bonds shall be printed and engraved, or lithographed on good bond paper. The bonds shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town. A register shall be kept of all the bonds, which shall show the number, date, amount, interest, to whom delivered

—if coupon bonds—and the name of the payee—if registered bonds; and when and where payable, and each bond issued or sold.

35.92.090 Limit of indebtedness. The total general indebtedness incurred under this chapter, added to all other indebtedness of a city or town at any time outstanding, shall not exceed the amounts of indebtedness authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without and with the assent of the voters: *Provided*, That a city or town may become indebted to a larger amount, but not exceeding the amount authorized therefor by chapter 39.36 RCW, as now or hereafter amended, for supplying it with water, artificial light, and sewers when works for supplying such water, light, and sewers are owned and controlled by the city or town.

35.92.100 Revenue bonds or warrants. When the voters of a city or town, or the corporate authorities thereof, have adopted a proposition for any public utility and either no general indebtedness has been authorized or the corporate authorities do not desire to incur a general indebtedness, and when the corporate authorities are authorized to exercise any of the powers conferred by this chapter without submitting the proposition to a vote, the corporate authorities may create a special fund for the sole purpose of defraying the cost of the public utility or addition, betterment, or extension thereto, into which special fund they may obligate and bind the city or town to set aside and pay a fixed proportion of the gross revenues of the utility, or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount without regard to any fixed proportion, and issue and sell bonds or warrants bearing interest not exceeding six percent per year, payable semiannually, executed in such manner and payable at such times and places as the corporate authorities shall determine, but the bonds or warrants and the interest thereon shall be payable only out of the special fund. Such bonds shall be negotiable instruments within the meaning of the negotiable instruments law, Title 62, notwithstanding same are made payable out of a particular fund contrary to the provisions of RCW 62.01.003.

When corporate authorities deem it necessary to construct any sewage disposal plant, it may be considered as a part of the waterworks department of the city or town and the cost of construction and maintenance thereof may be chargeable to the water fund of the municipality, or to any other special fund which the corporate authorities may by ordinance designate.

In creating a special fund, the corporate authorities shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part

of the revenue previously pledged as a fund for the payment of bonds, warrants, or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Rates shall be maintained adequate to service such bonds and to maintain the utility in sound financial condition.

The bonds or warrants and interest thereon issued against any such fund shall be a valid claim of the holder thereof only as against the special fund and its fixed proportion or amount of the revenue pledged thereto, and shall not constitute an indebtedness of the city or town within the meaning of constitutional provisions and limitations. Each bond or warrant shall state upon its face that it is payable from a special fund, naming it and the ordinance creating it. The bonds and warrants shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town, and they may provide in any contract for the construction and acquirement of the proposed improvement that payment therefor shall be made only in such bonds and warrants at par value thereof.

When a special fund is created and any such obligation is issued against it, a fixed proportion, or a fixed amount out of and not exceeding such fixed proportion, or a fixed amount without regard to any fixed proportion, of revenue shall be set aside and paid into such fund as provided in the ordinance creating it, and in case the city or town fails to thus set aside and pay such fixed proportion or amount, the holder of any bond or warrant against the fund may bring action against the city or town and compel such setting aside and payment: *Provided*, That whenever the corporate authorities of any such city or town shall so provide by ordinance then all such bonds thereafter issued shall be on a parity, without regard to date of issuance or authorization and without preference or priority of right or lien with respect to participation of special funds in amounts from gross revenues for payment thereof.

35.92.110 Funding or refunding bonds. The legislative authority of a city or town which has any outstanding warrants or bonds issued for the purpose of purchasing, acquiring, or constructing any such public utility or for making any additions or betterments thereto or extensions thereof, whether the warrants or bonds are general obligation warrants or bonds of the municipality or are payable solely from a special fund, into which fund the city or town is bound and obligated to set aside and pay any proportion or part of the revenue of the public utility, for the purchase, acquisition, or construction of which utility or the making of any additions

and betterments thereto or extensions thereof such outstanding warrants or bonds were issued, may, without submitting the matter to the voters, provide for the issuance of funding or refunding bonds with which to take up, cancel, retire, and refund such outstanding warrants or bonds, or any part thereof, at maturity thereof, or before the maturity thereof, if they are subject to call for prior redemption.

35.92.120 ————**Bonds not general obligation.** Such funding or refunding bonds shall not be a general indebtedness of the city or town, but shall be payable solely from a special fund created therefor by ordinance. Each bond shall state upon its face that it is payable from a special fund, naming the fund and the ordinance creating it.

35.92.130 ————**Single issue may refund multiple series.** At the option of the legislative authority of the city or town various series and issues of outstanding warrants or bonds, or parts thereof, issued for the purpose of acquiring or constructing any public utility, or for making any additions or betterments thereto or extensions thereof, may be funded or refunded by a single issue of funding or refunding bonds. No proportion or part of the revenue of any one such public utility shall be pledged for the payment of funding or refunding bonds issued to fund or refund warrants or bonds issued for the acquisition or construction, or the making of additions or betterments to or extensions of, any other public utility.

35.92.140 ————**Issuance of bonds—Ordinance.** When the legislative authority of a city or town determines to issue such funding or refunding bonds, it shall provide therefor by ordinance, which shall create a special fund for the sole purpose of paying the bonds and the interest thereon, into which fund the ordinance shall bind and obligate the city or town to set aside and pay a fixed amount without regard to any fixed proportion out of the gross revenue of the public utility as provided therein. In creating such special fund, the legislative authority shall have due regard to the cost of operation and maintenance of the utility as constructed or added to, and to any proportion or part of the revenue thereof previously pledged as a fund for the payment of bonds, warrants, or other indebtedness, and shall not bind and obligate the city or town to set aside into the fund a greater amount of the revenue of the utility than in its judgment will be available above the cost of maintenance and operation and the amount or proportion of the revenue thereof so previously pledged.

35.92.150 ————**Terms of bonds.** Such funding or refunding bonds, together with the interest thereon, issued against the special

fund shall be a valid claim of the holder thereof only as against such fund, and the amount of the revenue of the utility pledged thereto, and shall not constitute an indebtedness of the city or town within the meaning of constitutional or statutory provisions and limitations. They shall be sold in such manner as the corporate authorities shall deem for the best interest of the municipality. The rate of interest on the bonds shall not exceed the rate of interest on warrants or bonds to be funded or refunded thereby. Interest on the bonds shall be paid semiannually. The bonds shall be executed in such manner and payable at such time and place as the legislative authority shall by ordinance determine. Nothing in this chapter shall prevent a city from funding or refunding any of its indebtedness in any other manner provided by law.

35.92.160 ————Recourse of bondholders. When such funding or refunding bonds have been issued and the city or town fails to set aside and pay into the special fund from which they are payable, the amount without regard to any fixed proportion out of the gross revenue of the public utility which the city or town has, by ordinance bound and obligated itself to set aside and pay into the special fund, the holder of any funding or refunding bond may bring action against the city or town and compel such setting aside and payment.

35.92.170 City may extend water system outside limits. When a city or town owns or operates a municipal waterworks system and desires to extend such utility beyond its corporate limits it may acquire, construct and maintain any addition to or extension of the system, and dispose of and distribute water to any other municipality, water district, community, or person desiring to purchase it.

35.92.180 ————May acquire property outside city. A city or town may construct, purchase, or acquire any waterworks, pipe lines, distribution systems and any extensions thereof, necessary to furnish such outside service.

35.92.190 ————Cannot condemn irrigation system. No city or town may exercise the power of eminent domain to take or damage any waterworks, storage reservoir, site, pipe line distribution system or any extension thereof, or any water right, water appropriation, dam, canal, plant, or any interest in, or to any of the above used, operated, held, or owned by an irrigation district.

35.92.200 ————Contracts for outside service. A city or town may enter into a firm contract with any outside municipality, community, corporation, or person, for furnishing them with water without regard to whether said water shall be considered as surplus

or not and regardless of the source from which such water is obtained, which contract may fix the terms upon which the outside distribution systems will be installed and the rates at which and the manner in which payment shall be made for the water supplied or for the service rendered.

35.92.220 Acquisition of water rights. A city or town, other than a city of the first class, situated within an irrigation project, owned or operated by the United States government, a water users' association or corporation, or another city or town, where the legislative body deems it feasible to furnish water for irrigation and domestic purposes, and where the water used for irrigation and domestic purposes is appurtenant or may become appurtenant to the land located within such city or town, may purchase, lease or otherwise acquire water or water rights for the purpose of furnishing the city or town and the inhabitants thereof with a supply of water for irrigation and domestic purposes; purchase, construct or otherwise acquire systems and means of distribution and delivery of water within and without the limits of the city or town, or for the delivery of water where the owner of land within the city or town owns a water right appurtenant to his land, with full power to maintain, repair, reconstruct, regulate, and control the same, and if private property is necessary for such purposes, the city or town may condemn and purchase or purchase and acquire property, enter into any contract, and order any and all work to be done which shall be necessary to carry out such purposes, and it may do so either by the entire city or town or by assessment districts, consisting of the whole or any portion thereof, as the legislative body of the city or town may determine.

35.92.230 ———Special assessments. For the purpose of paying for a water right purchased by the city or town from the United States government where the purchase price has not been fully paid; paying annual maintenance or annual rental charge to the United States government or other corporation or individual furnishing the water for irrigation and domestic purposes; paying assessments made by any water users' association; paying the cost of constructing or acquiring any system or means of distribution or delivery of water for said purposes; and for the upkeep, repair, reconstruction, operation, and maintenance thereof and any expense incidental to said purposes, the city or town may levy and collect special assessments to pay the whole or any part of the cost and expense of any such improvement.

35.92.240 ———Levy of assessments. All such assessments shall be levied upon the several parcels of land located within the local improvement district in accordance to the special benefits

conferred on such property in proportion to the surface area, one square foot of surface to be the unit of assessment: *Provided*, That where the water right is acquired or a special improvement is made for a portion of any district, the cost of the water right or the cost of such special improvement shall be levied in the same manner upon such portion of the district as shall be specially benefited thereby: *Provided further*, That whenever a special improvement is made for a portion of any district, the land assessed for the cost thereof shall be entitled to an equitable reduction in the annual assessments in proportion to the reduced cost of operation on account of the construction of the improvement.

35.92.250 ————**District property need not be contiguous.** One local improvement district may be established for any or all of the purposes embraced herein even though the area assessed for such purposes may not coincide or be contiguous: *Provided*, That whenever the legislative body of the city or town decides to construct a special improvement in a distribution system, a separate local improvement district may be formed for such portion and bonds may be issued therefor as provided in the general local improvement law.

35.92.260 ————**Mode of assessment.** When a city or town makes local improvements for the purposes herein provided, the proceedings relative to the creation of districts, levying and collecting assessments and all other procedure shall be had, and the legislative body may proceed in accordance with all the provisions of the municipal local improvement law: *Provided*, That when the improvement is initiated upon petition, the petition shall set forth the fact that the signers are the owners according to the records in the office of the county auditor, of property to an aggregate amount of a majority of the surface area within the limits of the assessment district to be created: *Provided further*, That when an assessment is made for any purpose other than the construction or reconstruction of any system or means of distribution or delivery of water, it shall not be necessary for the legislative body to be furnished with a statement of the aggregate assessed valuation of the real estate exclusive of improvements in the district according to the valuation last placed upon it for purposes of general taxation, or the estimated amount of the cost of the improvement to be borne by each tract of land or other property, but a statement by the engineer or other officer, showing the estimated cost of the improvement per square foot, shall be sufficient: *Provided further*, That when an assessment roll is once prepared and does not include the cost of purchase, construction, or reconstruction of works of delivery or distribution and the legislative body of such city or town decides

to raise a similar amount the ensuing year, it shall not be necessary to prepare a new assessment roll, but the legislative body may pass a resolution of intention estimating the cost for the ensuing year to be the same as the preceding year, and directing the clerk to give notice stating the estimated cost per square foot of all land within the district and refer persons interested to the books of the treasurer. The treasurer shall be present at the hearing and shall note any changes on his books. The legislative body shall have the same right to make changes in the assessment roll as in an original assessment, and after all changes have been made it shall, by ordinance, confirm the assessment and direct the treasurer to extend it on the books of his office.

35.92.270 Passenger transportation systems—Authority to make studies—Contracts with and acquisition of privately owned systems. Every passenger transportation system owned by a municipal corporation may:

(1) Engage in planning, studies and surveys with respect to areas within and beyond the corporate boundaries of such municipal corporation, in order to develop a sound factual basis for any possible future adjustment or expansion of such municipally owned passenger transportation system;

(2) Purchase or lease privately owned passenger transportation systems: *Provided*, That such purchases shall not, per se, extend the area of service of such municipally owned passenger transportation system;

(3) Contract with privately owned passenger transportation systems in order to provide adequate service in the service area of the municipal transportation system.

35.92.280 Cities over 150,000, joint undertaking with P.U.D. as to electric utility properties—"Electric utility properties" defined. As used in RCW 35.92.280 through 35.92.310 "electric utility properties" shall mean any and all permits, licenses, property rights, water rights and any and all works, plants, dams, powerhouses, transmission lines, switchyards, substations, property and facilities of every kind and character which may be used, or may be useful, in the generation and transmission of electric power and energy, produced by water power, steam or any other methods.

35.92.290 ————Agreements. Any city or town with a population over one hundred fifty thousand within the state of Washington owning an electric public utility is authorized to cooperate with any public utility district within this state in the joint acquisition, purchase, construction, ownership, maintenance and operation, within or without the respective limits of any such city or town or public utility district, of electric utility properties. The

respective governing bodies of any such city or town and of any such public utility district desiring to cooperate in the joint ownership, maintenance and operation of electric utility properties pursuant to the authority contained in RCW 35.92.280 through 35.92.310, shall by mutual agreement provide for such joint ownership, maintenance and operation. Such agreement shall prescribe the rights and property interest which the parties thereto shall have in such electric utility properties, which property interest may be either divided or undivided and shall further provide for the rights of the parties thereto in the ownership and disposition of the power and energy produced by such electric utility properties, and for the operation and management thereof.

35.92.300 ————Financing. Any city or town and any public utility district cooperating under the provisions of RCW 35.92.280 through 35.92.310 may, without an election or other proceedings under any existing law, contribute money and property, both real and personal, to any joint undertaking pursuant hereto, and may issue and sell revenue bonds to pay its respective share of the costs of acquisition and construction of such electric utility properties. 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, towns and public utility districts, as the case may be.

35.92.310 ————Authority granted is additional power. The authority and power granted by RCW 35.92.280 through 35.92.310 is an additional grant of power to cities, towns, and public utility districts to acquire and operate electric public utilities, and the provisions hereof shall be construed liberally to effectuate the authority herein conferred, and no restriction or limitation prescribed in any other law shall prohibit the cities, towns and public utility districts of this state from exercising the authority herein conferred: *Provided*, That nothing in RCW 35.92.280 through 35.92.310 shall authorize any public utility district or city cooperating under the provisions of RCW 35.92.280 through 35.92.310 to condemn any property owned or operated by any privately owned utility.

Chapter 35.94

SALE OR LEASE OF MUNICIPAL UTILITIES

35.94.010 Authority to sell or let. A city may lease for any term of years or sell and convey any public utility works, plant, or system owned by it or any part thereof, together with all or any equipment and appurtenances thereof.

35.94.020 Procedure. The legislative authority of the city, if it deems it advisable to lease or sell such works, plant, or system, or any part thereof, shall adopt a resolution stating whether it desires to lease or sell. If it desires to lease, the resolution shall state the general terms and conditions of the lease, but not the rent. If it desires to sell the general terms of sale shall be stated but not the price. The resolution shall direct the city clerk, or other proper official, to publish the resolution not less than once a week for four weeks in the official newspaper of the city if there is one, or if not, then in any newspaper published in the city, or if there is none, then in any newspaper published in the county in which the city is located, together with a notice calling for sealed bids to be filed with the clerk or other proper official not later than a certain time, accompanied by a certified check payable to the order of the city, for such amount as the resolution shall require, or a deposit of a like sum in money. Each bid shall state that the bidder agrees that if his bid is accepted and he fails to comply therewith within the time hereinafter specified, the check or deposit shall be forfeited to the city. If bids for a lease are called for, bidders shall bid the amount to be paid as the rent for each year of the term of the lease. If bids for a sale are called for, the bids shall state the price offered. The legislative authority of the city may reject any or all bids and accept any bid which it deems best. At the first meeting of the legislative authority of the city held after the expiration of the time fixed for receiving bids, or at some later meeting, the bids shall be considered. In order for such legislative authority to declare it advisable to accept any bid it shall be necessary for two-thirds of all the members elected to such legislative authority to vote in favor of a resolution making the declaration. If the resolution is adopted it shall be necessary, in order that such bid be accepted, to enact an ordinance accepting it and directing the execution of a lease or conveyance by the mayor and city clerk or other proper official. Such ordinance shall not take effect until it has been submitted to the voters of the city for their approval or rejection at the next general election or at a special election called for that purpose, and a majority of the voters voting thereon have approved it. If approved it shall take effect as soon as the result of the vote is proclaimed by the mayor. If it is so submitted and fails of approval, it shall be rejected and annulled. The mayor shall proclaim the vote as soon as it is properly certified.

35.94.030 Execution of lease or conveyance. Upon the taking effect of the ordinance the mayor and the city clerk or other proper official shall execute, in the name and on behalf of the city, the lease or conveyance directed thereby. The lessee or grantee shall accept and execute the instrument within ten days after notice of

its execution by the city or forfeit to the city, the amount of the check or deposit accompanying his bid: *Provided*, That if litigation in good faith is instituted within ten days to determine the rights of the parties, no forfeiture shall take place unless the lessee or grantee fails for five days after the termination of the litigation in favor of the city to accept and execute the lease or conveyance.

Chapter 35.98

CONSTRUCTION

35.98.010 Continuation of existing law. The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

35.98.020 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

35.98.030 Invalidity of part of title not to affect remainder. If any provision, section, or chapter of this title or its application to any person or circumstance is held invalid, the remainder of the provision, section, chapter, or title, or the application thereof to other persons or circumstances is not affected.

35.98.040 Repeals and saving. The following acts or parts of acts are repealed:

- (1) Chapter 56, Laws of 1963;
- (2) Chapter 57, Laws of 1963;
- (3) Chapter 72, Laws of 1963;
- (4) Chapter 115, Laws of 1963;
- (5) Chapter 119, Laws of 1963;
- (6) Section 1, chapter 127, Laws of 1963;
- (7) Chapter 130, Laws of 1963;
- (8) Chapter 131, Laws of 1963;
- (9) Chapter 155, Laws of 1963;
- (10) Chapter 170, Laws of 1963;
- (11) Chapter 184, Laws of 1963;
- (12) Chapter 191, Laws of 1963;
- (13) Sections 12, 13, 14, 15, and 16, chapter 200, Laws of 1963;
- (14) Chapter 222, Laws of 1963;
- (15) Chapter 231, Laws of 1963;
- (16) Chapter 33, Laws of 1961;
- (17) Chapter 46, Laws of 1961;
- (18) Chapter 51, Laws of 1961;

- (19) Chapter 58, Laws of 1961;
- (20) Chapter 70, Laws of 1961;
- (21) Chapter 81, Laws of 1961;
- (22) Chapter 89, Laws of 1961;
- (23) Chapter 111, Laws of 1961;
- (24) Chapter 125, Laws of 1961;
- (25) Chapter 149, Laws of 1961;
- (26) Chapter 165, Laws of 1961;
- (27) Chapter 166, Laws of 1961;
- (28) Chapter 186, Laws of 1961;
- (29) Section 2, chapter 195, Laws of 1961;
- (30) Chapter 200, Laws of 1961;
- (31) Chapter 212, Laws of 1961;
- (32) Chapter 213, Laws of 1961;
- (33) Chapter 245, Laws of 1961;
- (34) Sections 7, 9, 10, 11, and 12, chapter 268, Laws of 1961;
- (35) Section 4, chapter 277, Laws of 1961;
- (36) Chapter 282, Laws of 1961;
- (37) Chapter 45, Laws of 1959;
- (38) Sections 1, 2, and 3, chapter 75, Laws of 1959;
- (39) Chapter 76, Laws of 1959;
- (40) Chapter 79, Laws of 1959;
- (41) Chapter 80, Laws of 1959;
- (42) Chapter 82, Laws of 1959;
- (43) Sections 2, 3, and 4, chapter 86, Laws of 1959;
- (44) Chapter 90, Laws of 1959;
- (45) Chapter 93, Laws of 1959;
- (46) Chapter 203, Laws of 1959;
- (47) Chapter 261, Laws of 1959;
- (48) Chapter 302, Laws of 1959;
- (49) Chapter 311, Laws of 1959;
- (50) Chapter 42, Laws of 1957;
- (51) Chapter 44, Laws of 1957;
- (52) Chapter 56, Laws of 1957;
- (53) Sections 1 through 8, chapter 97, Laws of 1957;
- (54) Chapter 113, Laws of 1957;
- (55) Chapter 114, Laws of 1957;
- (56) Chapter 117, Laws of 1957;
- (57) Chapter 119, Laws of 1957;
- (58) Chapter 121, Laws of 1957;
- (59) Chapter 123, Laws of 1957;
- (60) Section 1, chapter 126, Laws of 1957;
- (61) Chapter 130, Laws of 1957;
- (62) Chapter 143, Laws of 1957;
- (63) Chapter 144, Laws of 1957;

- (64) Chapter 156, Laws of 1957;
- (65) Chapter 166, Laws of 1957;
- (66) Chapter 173, Laws of 1957;
- (67) Sections 13, 14, and 15, chapter 175, Laws of 1957;
- (68) Chapter 180, Laws of 1957;
- (69) Chapter 194, Laws of 1957;
- (70) Chapter 209, Laws of 1957;
- (71) Chapter 213, Laws of 1957;
- (72) Sections 1 through 4, chapter 224, Laws of 1957;
- (73) Chapter 239, Laws of 1957;
- (74) Chapter 282, Laws of 1957;
- (75) Chapter 287, Laws of 1957;
- (76) Chapter 288, Laws of 1957;
- (77) Section 1, chapter 9, Laws of 1955 extraordinary session;
- (78) Sections 4 through 10, chapter 55, Laws of 1955;
- (79) Chapter 81, Laws of 1955;
- (80) Chapter 145, Laws of 1955;
- (81) Chapter 252, Laws of 1955;
- (82) Chapter 266, Laws of 1955;
- (83) Chapter 290, Laws of 1955;
- (84) Chapter 309, Laws of 1955;
- (85) Chapter 319, Laws of 1955;
- (86) Chapter 322, Laws of 1955;
- (87) Chapter 337, Laws of 1955;
- (88) Chapter 345, Laws of 1955;
- (89) Chapter 353, Laws of 1955;
- (90) Chapter 354, Laws of 1955;
- (91) Chapter 355, Laws of 1955;
- (92) Section 2, chapter 358, Laws of 1955;
- (93) Chapter 364, Laws of 1955;
- (94) Chapter 365, Laws of 1955;
- (95) Section 4, chapter 378, Laws of 1955;
- (96) Chapter 19, Laws of 1953;
- (97) Chapter 26, Laws of 1953;
- (98) Chapter 27, Laws of 1953;
- (99) Chapter 38, Laws of 1953;
- (100) Chapter 60, Laws of 1953;
- (101) Chapter 67, Laws of 1953;
- (102) Chapter 86, Laws of 1953;
- (103) Chapter 97, Laws of 1953;
- (104) Chapter 117, Laws of 1953;
- (105) Chapter 134, Laws of 1953;
- (106) Chapter 177, Laws of 1953;
- (107) Chapter 180, Laws of 1953;
- (108) Chapter 190, Laws of 1953;
- (109) Chapter 194, Laws of 1953;

- (110) Chapter 219, Laws of 1953;
- (111) Chapter 231, Laws of 1953;
- (112) Chapter 269, Laws of 1953;
- (113) Chapter 27, Laws of 1951 second extraordinary session;
- (114) Chapter 21, Laws of 1951;
- (115) Chapter 35, Laws of 1951;
- (116) Chapter 39, Laws of 1951;
- (117) Chapter 46, Laws of 1951;
- (118) Chapter 47, Laws of 1951;
- (119) Chapter 65, Laws of 1951;
- (120) Chapter 71, Laws of 1951;
- (121) Chapter 80, Laws of 1951;
- (122) Chapter 85, Laws of 1951;
- (123) Chapter 86, Laws of 1951;
- (124) Section 2, chapter 100, Laws of 1951;
- (125) Chapter 104, Laws of 1951;
- (126) Chapter 109, Laws of 1951;
- (127) Chapter 153, Laws of 1951;
- (128) Chapter 154, Laws of 1951;
- (129) Chapter 162, Laws of 1951;
- (130) Chapter 179, Laws of 1951;
- (131) Section 1, chapter 211, Laws of 1951;
- (132) Chapter 217, Laws of 1951;
- (133) Chapter 248, Laws of 1951;
- (134) Chapter 252, Laws of 1951;
- (135) Section 1, chapter 272, Laws of 1951;
- (136) Section 1, chapter 275, Laws of 1951;
- (137) Chapter 14, Laws of 1949;
- (138) Chapter 28, Laws of 1949;
- (139) Chapter 83, Laws of 1949;
- (140) Chapter 84, Laws of 1949;
- (141) Chapter 113, Laws of 1949;
- (142) Chapter 118, Laws of 1949;
- (143) Chapter 151, Laws of 1949;
- (144) Chapter 164, Laws of 1949;
- (145) Chapter 177, Laws of 1949;
- (146) Chapter 233, Laws of 1949;
- (147) Chapter 28, Laws of 1947;
- (148) Chapter 117, Laws of 1947;
- (149) Chapter 151, Laws of 1947;
- (150) Chapter 155, Laws of 1947;
- (151) Chapter 162, Laws of 1947;
- (152) Section 3, chapter 212, Laws of 1947;
- (153) Chapter 214, Laws of 1947;
- (154) Chapter 245, Laws of 1947;

- (155) Chapter 43, Laws of 1945;
- (156) Chapter 55, Laws of 1945;
- (157) Chapter 58, Laws of 1945;
- (158) Chapter 70, Laws of 1945: *Provided*, That such repeal shall not affect sec. 36.48.110, chapter 4, Laws of 1963;
- (159) Chapter 128, Laws of 1945;
- (160) Chapter 190, Laws of 1945;
- (161) Chapter 214, Laws of 1945;
- (162) Chapter 240, Laws of 1945;
- (163) Sections 1, 3, and 4, chapter 25, Laws of 1943;
- (164) Section 1, chapter 80, Laws of 1943;
- (165) Section 12, chapter 82, Laws of 1943;
- (166) Chapter 92, Laws of 1943;
- (167) Chapter 100, Laws of 1943;
- (168) Chapter 183, Laws of 1943;
- (169) Chapter 213, Laws of 1943;
- (170) Sections 2 through 7, chapter 244, Laws of 1943;
- (171) Sections 1 through 22, chapter 264, Laws of 1943;
- (172) Chapter 270, Laws of 1943;
- (173) Chapter 271, Laws of 1943;
- (174) Chapter 18, Laws of 1941: *Provided*, That such repeal shall not affect sec. 36.48.110, chapter 4, Laws of 1963;
- (175) Chapter 25, Laws of 1941;
- (176) Chapter 27, Laws of 1941;
- (177) Chapter 49, Laws of 1941;
- (178) Chapter 57, Laws of 1941;
- (179) Chapter 60, Laws of 1941;
- (180) Chapter 69, Laws of 1941;
- (181) Chapter 74, Laws of 1941;
- (182) Chapter 75, Laws of 1941;
- (183) Chapter 80, Laws of 1941;
- (184) Chapter 85, Laws of 1941;
- (185) Chapter 88, Laws of 1941;
- (186) Chapter 90, Laws of 1941;
- (187) Chapter 91, Laws of 1941;
- (188) Chapter 96, Laws of 1941;
- (189) Chapter 108, Laws of 1941;
- (190) Chapter 115, Laws of 1941;
- (191) Chapter 145, Laws of 1941;
- (192) Chapter 147, Laws of 1941;
- (193) Chapter 186, Laws of 1941;
- (194) Sections 1 through 12, chapter 193, Laws of 1941;
- (195) Chapter 23, Laws of 1939;
- (196) Chapter 24, Laws of 1939;
- (197) Chapter 87, Laws of 1939;

- (198) Chapter 96, Laws of 1939;
- (199) Chapter 105, Laws of 1939;
- (200) Chapter 115, Laws of 1939;
- (201) Chapter 16, Laws of 1937;
- (202) Chapter 79, Laws of 1937;
- (203) Chapter 98, Laws of 1937;
- (204) Chapter 110, Laws of 1937;
- (205) Section 64, chapter 187, Laws of 1937;
- (206) Chapter 32, Laws of 1935;
- (207) Chapter 37, Laws of 1935;
- (208) Chapter 44, Laws of 1935;
- (209) Chapter 45, Laws of 1935;
- (210) Chapter 81, Laws of 1935;
- (211) Chapter 17, Laws of 1933 extraordinary session;
- (212) Section 81, chapter 62, Laws of 1933 extraordinary session:
Provided, That such repeal shall not affect sec. 36.27.020 (13), chapter 4, Laws of 1963;
- (213) Sections 1 and 2, chapter 9, Laws of 1933;
- (214) Sections 1, 2, and 3, chapter 51, Laws of 1933;
- (215) Chapter 83, Laws of 1933;
- (216) Chapter 107, Laws of 1933;
- (217) Chapter 109, Laws of 1933;
- (218) Chapter 128, Laws of 1933;
- (219) Chapter 135, Laws of 1933;
- (220) Chapter 163, Laws of 1933;
- (221) Chapter 53, Laws of 1931;
- (222) Chapter 85, Laws of 1931;
- (223) Sections 4 and 5, chapter 87, Laws of 1931;
- (224) Chapter 61, Laws of 1929;
- (225) Chapter 63, Laws of 1929;
- (226) Sections 1 through 14, chapter 64, Laws of 1929;
- (227) Chapter 85, Laws of 1929;
- (228) Chapter 97, Laws of 1929;
- (229) Chapter 98, Laws of 1929;
- (230) Chapter 139, Laws of 1929;
- (231) Chapter 142, Laws of 1929;
- (232) Chapter 143, Laws of 1929;
- (233) Chapter 182, Laws of 1929;
- (234) Chapter 183, Laws of 1929;
- (235) Chapter 186, Laws of 1929: *Provided*, That such repeal shall not affect secs. 36.48.110 through 36.48.150, chapter 4, Laws of 1963;
- (236) Chapter 192, Laws of 1929;
- (237) Chapter 204, Laws of 1929;
- (238) Chapter 212, Laws of 1929;

- (239) Chapter 52, Laws of 1927;
- (240) Chapter 109, Laws of 1927;
- (241) Chapter 159, Laws of 1927;
- (242) Chapter 168, Laws of 1927;
- (243) Chapter 203, Laws of 1927;
- (244) Section 1, chapter 207, Laws of 1927;
- (245) Chapter 209, Laws of 1927;
- (246) Chapter 210, Laws of 1927;
- (247) Chapter 261, Laws of 1927;
- (248) Chapter 273, Laws of 1927;
- (249) Sections 1 through 6, chapter 275, Laws of 1927;
- (250) Chapter 293, Laws of 1927;
- (251) Chapter 61, Laws of 1925 extraordinary session;
- (252) Chapter 76, Laws of 1925 extraordinary session;
- (253) Chapter 81, Laws of 1925 extraordinary session;
- (254) Chapter 97, Laws of 1925 extraordinary session;
- (255) Chapter 117, Laws of 1925 extraordinary session;
- (256) Chapter 121, Laws of 1925 extraordinary session;
- (257) Chapter 125, Laws of 1925 extraordinary session;
- (258) Chapter 137, Laws of 1925 extraordinary session;
- (259) Chapter 146, Laws of 1925 extraordinary session
- (260) Section 1, chapter 159, Laws of 1925 extraordinary ses-
sion;
- (261) Chapter 168, Laws of 1925 extraordinary session;
- (262) Chapter 170, Laws of 1925 extraordinary session;
- (263) Chapter 183, Laws of 1925 extraordinary session;
- (264) Chapter 12, Laws of 1925;
- (265) Chapter 18, Laws of 1923;
- (266) Chapter 52, Laws of 1923;
- (267) Chapter 92, Laws of 1923;
- (268) Chapter 135, Laws of 1923;
- (269) Chapter 141, Laws of 1923;
- (270) Section 1, chapter 153, Laws of 1923;
- (271) Chapter 158, Laws of 1923;
- (272) Chapter 173, Laws of 1923;
- (273) Chapter 176, Laws of 1923;
- (274) Chapter 179, Laws of 1923;
- (275) Chapter 182, Laws of 1923;
- (276) Chapter 24, Laws of 1921;
- (277) Chapter 70, Laws of 1921;
- (278) Chapter 92, Laws of 1921;
- (279) Chapter 128, Laws of 1921;
- (280) Chapter 70, Laws of 1919;
- (281) Chapter 113, Laws of 1919;
- (282) Chapter 135, Laws of 1919;

- (283) Chapter 138, Laws of 1919;
- (284) Section 2, chapter 167, Laws of 1919;
- (285) Chapter 58, Laws of 1917;
- (286) Chapter 59, Laws of 1917;
- (287) Chapter 63, Laws of 1917;
- (288) Chapter 96, Laws of 1917;
- (289) Chapter 99, Laws of 1917;
- (290) Section 1, chapter 103, Laws of 1917;
- (291) Chapter 124, Laws of 1917;
- (292) Chapter 137, Laws of 1917;
- (293) Chapter 139, Laws of 1917;
- (294) Chapter 140, Laws of 1917;
- (295) Chapter 141, Laws of 1917;
- (296) Sections 1 and 2, chapter 13, Laws of 1915;
- (297) Chapter 17, Laws of 1915;
- (298) Chapter 87, Laws of 1915;
- (299) Chapter 112, Laws of 1915;
- (300) Chapter 134, Laws of 1915;
- (301) Chapter 148, Laws of 1915;
- (302) Chapter 149, Laws of 1915;
- (303) Chapter 168, Laws of 1915;
- (304) Sections 1 through 16, and 18 through 33, chapter 184,
Laws of 1915;
- (305) Chapter 185, Laws of 1915;
- (306) Chapter 186, Laws of 1915;
- (307) Chapter 16, Laws of 1913;
- (308) Chapter 45, Laws of 1913;
- (309) Chapter 57, Laws of 1913;
- (310) Chapter 103, Laws of 1913;
- (311) Chapter 118, Laws of 1913;
- (312) Chapter 131, Laws of 1913;
- (313) Sections 1 and 2, chapter 17, Laws of 1911;
- (314) Chapter 31, Laws of 1911;
- (315) Chapter 32, Laws of 1911;
- (316) Chapter 33, Laws of 1911;
- (317) Chapter 67, Laws of 1911;
- (318) Section 1 and sections 3 through 72, chapter 98, Laws
of 1911;
- (319) Chapter 103, Laws of 1911;
- (320) Sections 1 through 6, and 10 through 25, chapter 116,
Laws of 1911;
- (321) Chapter 10, Laws of 1909 extraordinary session;
- (322) Chapter 14, Laws of 1909 extraordinary session;
- (323) Chapter 40, Laws of 1909;
- (324) Chapter 71, Laws of 1909;

- (325) Chapter 83, Laws of 1909;
- (326) Chapter 108, Laws of 1909;
- (327) Chapter 111, Laws of 1909;
- (328) Chapter 120, Laws of 1909;
- (329) Sections 1 through 5, chapter 128, Laws of 1909;
- (330) Chapter 130, Laws of 1909;
- (331) Chapter 131, Laws of 1909;
- (332) Chapter 147, Laws of 1909;
- (333) Sections 1 through 4, chapter 150, Laws of 1909;
- (334) Chapter 161, Laws of 1909;
- (335) Chapter 167, Laws of 1909;
- (336) Chapter 22, Laws of 1907;
- (337) Chapter 41, Laws of 1907;
- (338) Chapter 61, Laws of 1907;
- (339) Chapter 89, Laws of 1907;
- (340) Chapter 98, Laws of 1907;
- (341) Chapter 227, Laws of 1907;
- (342) Chapter 228, Laws of 1907;
- (343) Sections 1 through 32, 34 through 52, 57 through 67,
and 69 through 74, chapter 241, Laws of 1907;
- (344) Chapter 243, Laws of 1907;
- (345) Chapter 245, Laws of 1907;
- (346) Chapter 248, Laws of 1907;
- (347) Chapter 29, Laws of 1905;
- (348) Chapter 75, Laws of 1905;
- (349) Chapter 103, Laws of 1905;
- (350) Chapter 29, Laws of 1903;
- (351) Chapter 30, Laws of 1903;
- (352) Sections 4 and 5, chapter 113, Laws of 1903;
- (353) Chapter 120, Laws of 1903;
- (354) Chapter 141, Laws of 1903;
- (355) Chapter 186, Laws of 1903;
- (356) Chapter LXXXIV(84), Laws of 1901;
- (357) Chapter CXVII(117), Laws of 1901;
- (358) Chapter CXLIX(149), page 346, Laws of 1901;
- (359) Chapter XXXI(31), Laws of 1899;
- (360) Chapter LX(60), Laws of 1899;
- (361) Chapter LXIX(69), Laws of 1899;
- (362) Chapter LXX(70), Laws of 1899;
- (363) Chapter LXXIX(79), Laws of 1899;
- (364) Chapter LXXXV(85), Laws of 1899;
- (365) Chapter XCVII(97), Laws of 1899;
- (366) Chapter CIII(103), Laws of 1899;
- (367) Chapter LXIX(69), Laws of 1897;
- (368) Chapter LXXXIV(84), Laws of 1897;

- (369) Chapter XIII(13), Laws of 1895;
 (370) Chapter XXVII(27), Laws of 1895;
 (371) Chapter XCIII(93), Laws of 1895;
 (372) Section 1, chapter CXXX(130), Laws of 1895;
 (373) Chapter CLII(152), Laws of 1895: *Provided*, That such repeal shall not affect sec. 36.29.060 and 36.29.070, chapter 4, Laws of 1963;
 (374) Chapter XV(15), Laws of 1893;
 (375) Section 1, chapter XLVIII(48), Laws of 1893: *Provided*, That such repeal shall not affect sec. 36.29.040, chapter 4, Laws of 1963;
 (376) Chapter LVIII(58), Laws of 1893;
 (377) Chapter CXXVIII(128), Laws of 1891;
 (378) Chapter CXXXII(132), Laws of 1891;
 (379) Sections 1 through 7, pages 54 and 55, Laws of 1890;
 (380) Chapter VII(7), pages 131 through 215, except sections 4, 5, 7, and 8 thereof, Laws of 1890;
 (381) Sections 1 through 9, pages 215 through 224, Laws of 1890;
 (382) Sections 1 through 4, 6, and 7, pages 225 through 227, Laws of 1890;
 (383) "An Act declaring certain streets in incorporated cities public highways, and placing the same under corporate authorities." Approved February 28, 1890, page 733, Laws of 1890.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any actions, activities or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, resolution, charter, ordinance, or order adopted or promulgated thereunder, nor any administrative action taken thereunder, nor the term of office, or appointment or employment of any person appointed or employed thereunder.

The repeal of said acts and parts of acts shall not be construed as reviving any former acts amended, superseded, or expressly or impliedly repealed thereby, nor as abrogating any savings clauses or other conditions contained in any repealer sections which are herein repealed, nor as abrogating any validations accomplished by any statutes herein repealed.

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

Passed the Senate March 3, 1965.

Passed the House March 4, 1965.

Approved by the Governor March 5, 1965.

Explanatory
note.

Title 35

CITIES AND TOWNS
EXPLANATORY NOTE

I. Introductory

As a part of the program to restore session law language to the Revised Code of Washington, the code reviser's office and codifications subcommittee of the Statute Law Committee have carefully examined the provisions of Title 35. Pursuant to such study it was determined that the confused statutory history of the subject matter contained therein, the division and combining of session law sections by the 1941 Code Committee to create the present Title 35, and the subsequent ratification by the legislature of parts of the title by the amendment of many of the RCW sections, have all combined to make any general restoration of the session law text an impossibility. In view of the foregoing and in view of the fact that the present RCW Title 35 has been in use for a period of fourteen years, the codifications subcommittee of the Statute Law Committee, after submitting the study and work materials relating to this title to the attorney general's office, the division of municipal corporations, the association of Washington Cities, various city attorneys and other interested persons, and conferring with such representatives thereof as attended the meetings held for the purpose of considering the provisions hereof, herewith presents for enactment as primary law the provisions of RCW Title 35, incorporating therein such restorations and corrections as may be made without changing the substance of the law.

Except as otherwise noted the translation of the term "this act" into "this chapter", and other similar translations which appear in the 1941 revision have been accepted without comment.

Reviser's cross reference sections, and memorials to sections heretofore repealed, are omitted without comment but will be republished in RCW.

The remainder of these notes consist of source notes and a section by section comment regarding this reenactment. The complete study materials relating to this title are on permanent file in the office of the code reviser, at Olympia.

II. Section comment

Chapter 35.01 Municipal Corporations Classified

35.01.010 Source—[1955 c 319 § 2. Prior: (i) 1890 p 140 § 11, part; RRS § 8932, part. (ii) 1907 c 248 § 1, part; 1890 p 140 § 12, part; RRS § 8933, part.]

This section and 35.01.020 may be affected if SJR #1 is ratified at the November 3rd election. See notes at 35.21.600.

35.01.020 Source—[1955 c 319 § 3. Prior: (i) 1890 p 140 § 11, part; RRS § 8932, part. (ii) 1907 c 248 § 1, part; 1890 p 140 § 12, part; RRS § 8933, part.]

35.01.030 Source—[1955 c 319 § 4. Prior: (i) 1890 p 140 § 11, part; RRS § 8932, part. (ii) 1907 c 248 § 1, part; 1890 p 140 § 12, part; RRS § 8933, part.]

35.01.040 Source—[1963 c 119 § 2; 1955 c 319 § 5. Prior: (i) 1890 p 140 § 11, part; RRS § 8932, part. (ii) 1890 p 141 § 13; RRS § 8934.]

Chapter 35.02 Incorporation Proceedings

35.02.010 Source—[1963 c 57 § 1; 1890 p 131 § 1; 1888 p 221 § 1; 1877 p 173 § 1; 1871 p 51 § 1; RRS § 8883.]

"The effective date of this 1963 amendatory act" to "June 12, 1963"

35.02.020 Source—[1957 c 173 § 2. Prior: 1953 c 219 § 1; 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]

- 35.02.030 Source—[1957 c 173 § 3. Prior: 1953 c 219 § 2; 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.] Explanatory note.
- 35.02.035 Source—[1953 c 219 § 8.]
- 35.02.040 Source—[1957 c 173 § 4. Prior: 1953 c 219 § 3; 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]
- 35.02.050 Source—[1957 c 173 § 5. Prior: 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]
- 35.02.060 Source—[1957 c 173 § 6. Prior: 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]
- 35.02.070 Source—[1963 c 57 § 2; 1957 c 173 § 7. Prior: 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]
- 35.02.080 Source—[1957 c 173 § 8. Prior: 1953 c 219 § 4; 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]
- 35.02.085 Source—[1951 c 86 § 1.] Repealed by 1953 c 219 § 10.
- 35.02.086 Source—[1953 c 219 § 9.]
- 35.02.090 Source—[1890 p 133 § 3, part; RRS § 8885, part.]
- 35.02.100 Source—[1957 c 173 § 9. Prior: 1953 c 219 § 5; 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]
- 35.02.110 Source—[1957 c 173 § 10. Prior: 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]
- 35.02.120 Source—[1953 c 219 § 6; 1890 p 133 § 3, part; RRS § 8885, part.]
- 35.02.130 Source—[1953 c 219 § 7; 1890 p 133 § 3, part; RRS § 8885, part.]
Election dates revised to conform with the 1963 amendments to chapter 29.13 setting general municipal elections in November of odd-numbered years.
Proviso stated in general language in lieu of "to be held on the second Tuesday of March of the first even-numbered year following the incorporation election: Provided, however, Should the incorporation election be held on or after January 1st and before the second Tuesday of March of any even-numbered year, the first general municipal election shall not be held until the subsequent even-numbered year."
Revision required by change of dates accomplished by 1963 c 200 and herein stated in general terms so as not to be affected by possible future changes as to date of general municipal election. According to the perpetual calendar the longest period (January 1st to the second Tuesday of March) is seventy-four days.
- 35.02.140 Source—[1957 c 180 § 1.]
- 35.02.150 Source—[1961 c 200 § 1.]

Chapter 35.03 Incorporation of First Class Cities

- 35.03.010 Source—[1951 c 153 § 1.]
- 35.03.020 Source—[1951 c 153 § 2, part.]
- 35.03.030 Source—[1951 c 153 § 2, part.]
". . . said election to be conducted in the manner required for the calling of a special election in class A and first class counties . . ." to
". . . said election to be conducted as provided in chapter 29.13 RCW as now or hereafter amended . . ."
- 35.03.040 Source—[1951 c 153 § 3.]
- 35.03.050 Source—[1951 c 153 § 4.]

Explanatory
note.

Chapter 35.04 Incorporation of Intercounty Areas

- 35.04.010 Source—[1955 c 345 § 1.]
 35.04.020 Source—[1963 c 57 § 3; 1955 c 345 § 2.]
 35.04.030 Source—[1955 c 345 § 3.]
 35.04.040 Source—[1955 c 345 § 4.]
 35.04.050 Source—[1955 c 345 § 5.]
 35.04.060 Source—[1963 c 57 § 4; 1955 c 345 § 6.]
 35.04.070 Source—[1955 c 345 § 7.]
 35.04.080 Source—[1955 c 345 § 8.]
 35.04.090 Source—[1955 c 345 § 9.]
 35.04.100 Source—[1955 c 345 § 10.]
 35.04.110 Source—[1955 c 345 § 11.]
 35.04.120 Source—[1955 c 345 § 12.]
 35.04.130 Source—[1955 c 345 § 13.]
 Same revision as in 35.02.150.
 35.04.140 Source—[1955 c 345 § 14.]
 "RCW 29.13.020 or 29.13.030, as the case may be" to "chapter 29.13 RCW" to include sections added by 1963 c 200.
 35.04.150 Source—[1955 c 345 § 15.]
 35.04.160 Source—[1955 c 345 § 16.]
 35.04.170 Source—[1955 c 345 § 17.]
 35.04.180 Source—[1955 c 345 § 18.]
 35.04.900 Source—[1955 c 345 § 19.]

Chapter 35.05 Reincorporation

This chapter is herein decodified, but not repealed, as it is currently of limited applicability there being only two cities presently operating under territorial charter.

- 35.05.010 Source—[1909 c 185 § 1, part; 1890 p 133 § 4, part; RRS § 8886, part.]
 35.05.020 Source—[1909 c 185 § 1, part; 1890 p 133 § 4, part; RRS § 8886, part.]
 35.05.030 Source—[1909 c 185 § 1, part; 1890 p 133 § 4, part; RRS § 8886, part.]
 35.05.040 Source—[1909 c 185 § 1, part; 1890 p 133 § 4, part; RRS § 8886, part.]
 35.05.050 Source—[1909 c 185 § 1, part; 1890 p 133 § 4, part; RRS § 8886, part.]
 35.05.060 Source—[1909 c 185 § 1, part; 1890 p 133 § 4, part; RRS § 8886, part.]
 35.05.070 Source—[1909 c 185 § 1, part; 1890 p 133 § 4, part; RRS § 8886, part.]
 35.05.080 Source—[1909 c 185 § 1, part; 1890 p 133 § 4, part; RRS § 8886, part.]
 35.05.090 Source—[1909 c 185 § 1, part; 1890 p 133 § 4, part; RRS § 8886, part.]
 35.05.100 Source—[1909 c 185 § 1, part; 1890 p 133 § 4, part; RRS § 8886, part.]
 35.05.110 Source—[1890 p 135 § 5; RRS § 8887.]
 35.05.120 Source—[1890 p 136 § 8; RRS § 8891.]

Chapter 35.06 Advancement of Classification

- 35.06.010 Source—[1955 c 319 § 6. Prior: (i) 1907 c 248 § 1, part; 1890 p 140 § 12, part; RRS § 8933, part. (ii) 1890 p 141 § 14; RRS § 8936.]
 35.06.020 Source—[1955 c 319 § 7. Prior: 1907 c 248 § 1, part; 1890 p 140 § 12, part; RRS § 8933, part.]
 The reference to RCW 35.05.020 is deleted in view of the decodification of chapter 35.05, and the pertinent part of 35.05.020 is repeated herein.

- 35.06.030 Source—[1899 p 60 § 1; 1890 p 141 § 16; RRS § 8937.] Explanatory
 (1) “by the mayor” deleted as RCW 29.13.020 and 29.13.030 note.
 require the request to the county auditor to call a special
 election shall be made by resolution.
 (2) “‘for advancement’ or the words ‘against advancement.’”
 to “‘for advancement’ and the words ‘against advancement.’”
 as the ballot would contain both.
- 35.06.040 Source—[1890 p 142 § 17; RRS § 8938.]
 “clerks and judges” to “canvassing authority”
- 35.06.050 Source—[1890 p 142 § 19; RRS § 8940.]
- 35.06.060 Source—[1890 p 142 § 20; RRS § 8941.]
- 35.06.070 Source—[1890 p 142 § 21; RRS § 8942.]
- 35.06.080 Source—[1890 p 143 § 22; RRS § 8942.]

Chapter 35.07 Disincorporation

- 35.07.010 Source—[1897 c 69 § 1; RRS § 8914.]
- 35.07.020 Source—[1897 c 69 § 2, part; RRS § 8915, part.]
- 35.07.030 Source—[1897 c 69 § 16; RRS § 8929.]
- 35.07.040 Source—[1897 c 69 § 2, part; RRS § 8915, part.]
 “Shall call an election upon the proposition of disincorporation
 at a time not less than thirty days after the filing of the peti-
 tion.” to “shall cause an election to be called upon the propo-
 sition of incorporation” conforming section to RCW 29.13.020
 and 29.13.030.
- 35.07.050 Source—[1897 c 69 § 3; RRS § 8916.]
 Obsolete election notice requirements deleted and section
 made to conform to RCW 29.27.080.
- 35.07.060 Source—[1897 c 69 § 4; RRS § 8917.]
- 35.07.070 Source—[1897 c 69 § 5; RRS § 8918.]
- 35.07.080 Source—[1933 c 128 § 1, part; 1897 c 69 § 6, part; Rem. Supp.
 § 8919, part.]
 (1) “by the election officers to the council which shall canvass
 the returns at a meeting held one week from the day of
 the election” to “by the canvassing authority to the council
 which shall meet within one week thereafter” to conform to
 Title 29 RCW.
 (2) The last sentence of this section as it appeared in 1897
 c 69 § 6 read as follows: “If a majority of the registered voters
 of the city or town are for dissolution the city or town shall
 be deemed dissolved.” In *State ex rel Blankenship v. Gaines*,
 136 Wash. 610, decided in 1925, it was held that the vote re-
 quired was a majority of all registered voters rather than a
 majority of the registered voters voting at the election. In
 1933, 1897 c 69 § 6 was amended by the insertion of the phrase
 “voting at such election” immediately after the word “town”
 in the last sentence. The purpose and effect of this 1933 amend-
 ment appears to be avoidance of the rule in the Blankenship
 case so that only a majority of the registered voters voting
 at the election would be needed to accomplish dissolution.
 The 1941 Code Committee codification of the pertinent part of
 1897 c 69 § 6 as RCW 35.07.080 did not incorporate the lan-
 guage of the 1933 amendment. It is here incorporated.
- 35.07.090 Source—[1933 c 128 § 1, part; 1897 c 69 § 6, part; RRS §
 8919, part.]
- 35.07.100 Source—[1897 c 69 § 18; RRS § 8931.]
- 35.07.110 Source—[1897 c 69 § 17; RRS § 8930.]
 “and shall remain public highways until closed in pursuance
 of law;” also “of the county embracing such city or town”
 restored.
- 35.07.120 Source—[1897 c 69 § 7; RRS § 8920.]
- 35.07.130 Source—[1897 c 69 § 8; RRS § 8921.]
- 35.07.140 Source—[1897 c 69 § 15; RRS § 8928.]

**Explanatory
note.**

- 35.07.150 Source—[1897 c 69 § 9; RRS § 8922.]
Subsections (3) and (4) of 1897 c 69 § 9 condensed by the 1941 Code Committee as subsection (3) of RCW 35.07.150, herein restored.
- 35.07.160 Source—[1897 c 69 § 12; RRS § 8925.]
- 35.07.170 Source—[1897 c 69 § 10, part; RRS § 8923, part.]
- 35.07.180 Source—[1897 c 69 § 10, part; RRS § 8923, part.]
- 35.07.190 Source—[1897 c 69 § 11; RRS § 8924.]
- 35.07.200 Source—[1897 c 69 § 13, part; RRS § 8926, part.]
- 35.07.210 Source—[1897 c 69 § 13, part; RRS § 8926, part.]
- 35.07.220 Source—[1897 c 69 § 14; RRS § 8927.]
- 35.07.230 Source—[1925 ex. s. c 76 § 1; RRS § 8931-1.]
- 35.07.240 Source—[1925 ex. s. c 76 § 2; RRS § 8931-2.]
- 35.07.250 Source—[1925 ex. s. c 76 § 3, part; RRS § 8931-3, part.]
- 35.07.260 Source—[1925 ex. s. c 76 § 3, part; RRS § 8931-3, part.]

**Chapter 35.10 Consolidation Including Annexation of Third Class City
or Town to First Class City****General Comment**

(1) This chapter and chapter 35.11—Annexation of Third Class City or Town to First Class City—were almost wholly derived from 1929 c 64 being “An Act relating to the consolidation of municipal corporations and repealing certain acts relating thereto”. In structure, the act provides basically for consolidation of contiguous corporations and covers in a series of provisos a special procedure for the annexation of towns and third class cities to first class cities. The 1941 Code Committee codified the basic provisions as chapter 35.10 but severed the provisos and set them up as straight matter as chapter 35.11. In view of the resulting distortion the 1929 session law is herein rejoined, restored, and recodified in chapter 35.10 (commencing with 35.10.200) and that chapter 35.11 is deleted.

(2) Herein this chapter is slightly revised to conform it to the procedures of the elections code, Title 29 RCW whereby special elections are called by the county auditor and canvassed by the county canvassing board. As to the forms of government dealt with herein, only the councilmanic and commission forms were in existence when the consolidation law was enacted (1929). The chapter is herein revised to take cognizance of the council-manager form authorized in 1943.

(3) Two sections derive from another act, 1897 c 84 being “An Act relating to the taxes and funds of municipal corporations having less than twenty thousand inhabitants”. These sections, RCW 35.11.090 and 35.10.140 are herein recodified as part of chapter 35.37—Fiscal—Cities Other Than First Class—Bonds, wherein the remainder of the 1897 act is codified.

- 35.10.010 Source—[(i) 1929 c 64 § 1; RRS § 8909-1; herein restored as 35.10.200. (ii) 1929 c 64 § 2, part; RRS § 8909-2, part; herein restored in 35.10.210.]
- 35.10.020 Source—[(i) 1929 c 64 § 2, part; RRS § 8909-2, part; herein restored in 35.10.210. (ii) 1929 c 64 § 3, part; RRS § 8909-3, part; herein restored in 35.10.220.]
- 35.10.030 Source—[1929 c 64 § 2, part; RRS § 8909-2, part; herein restored in 35.10.210.]
- 35.10.040 Source—[1929 c 64 § 3, part; RRS § 8909-3, part; herein restored in 35.10.220.]
- 35.10.050 Source—[1929 c 64 § 4, part; RRS § 8909-4, part; herein restored in 35.10.230.]
- 35.10.060 Source—[1929 c 64 § 4, part; RRS § 8909-4, part; herein restored in 35.10.230.]
- 35.10.070 Source—[1929 c 64 § 5; RRS § 8909-5; herein restored as 35.10.240.]
- 35.10.080 Source—[1929 c 64 § 6; RRS § 8909-6; herein restored as 35.10.250.]

- 35.10.090 Source—[1929 c 64 § 7; RRS § 8909-7; herein restored as 35.10.260.] Explanatory note.
- 35.10.100 Source—[1929 c 64 § 11, part; RRS § 8909-11, part; herein restored in 35.10.300.]
- 35.10.110 Source—[1929 c 64 § 12, part; RRS § 8909-12, part; herein restored in 35.10.310.]
- 35.10.120 Source—[1929 c 64 § 13, part; RRS § 8909-13, part; herein restored in 35.10.320.]
- 35.10.130 Source—[(i) 1929 c 64 § 12, part; RRS § 8909-12, part; herein restored in 35.10.310. (ii) 1929 c 64 § 14, part; RRS § 8909-14, part; herein restored in RCW 35.10.330.]
- 35.10.140 Source—[1897 c 84 § 12; RRS § 5646; herein restored as 35.37.027, see general comment above.]
- 35.10.150 Source—[Reviser's cross-reference section.]
This cross-reference section referring to 35.11.140 will be revised to refer to 35.37.025.
- 35.10.200 Source—[1929 c 64 § 1; RRS § 8909-1. Formerly RCW 35.10.010, part.]
- 35.10.210 Source—[1929 c 64 § 2; RRS § 8909-2. Formerly RCW 35.10.010, part, 35.10.020, part, 35.11.010, and 35.11.020, part.]
Revised in accordance with para. (2) of General Comment, above.
- 35.10.220 Source—[1929 c 64 § 3; RRS § 8909-3. Formerly RCW 35.10.020, part, and 35.10.040.]
- 35.10.230 Source—[1929 c 64 § 4; RRS § 8909-4. Formerly RCW 35.10.050, 35.10.060, and 35.11.020, part.]
(1) Revised in accordance with para. (2) of General Comment, above.
(2) Inasmuch as the proposition is one which may affect property rights, the session law requirements as to notice of election are retained in view of AGO 59-60 No. 103 and language is added to clarify that the general notice of election prescribed by chapter 29.27 RCW is also required.
- 35.10.240 Source—[1929 c 64 § 5; RRS § 8909-5. Formerly RCW 35.10.070.]
Revised in accordance with para. (2) of General Comment, above.
- 35.10.250 Source—[1929 c 64 § 6; RRS § 8909-6. Formerly RCW 35.10.080.]
Revised in accordance with para. (2) of General Comment, above.
- 35.10.260 Source—[1929 c 64 § 7; RRS § 8909-7. Formerly RCW 35.10.090.]
- 35.10.270 Source—[1929 c 64 § 8; RRS § 8909-8. Formerly RCW 35.11.030 and 35.11.040.]
Revised in accordance with para. (2) of General Comment, above.
- 35.10.280 Source—[1929 c 64 § 9; RRS § 8909-9. Formerly RCW 35.11.050.]
- 35.10.290 Source—[1929 c 64 § 10; RRS § 8909-10. Formerly RCW 35.11.060 and 35.11.070.]
Revised in accordance with para. (2) of General Comment, above.
- 35.10.300 Source—[1929 c 64 § 11; RRS § 8909-11. Formerly RCW 35.10.100 and 35.11.080, part.]
- 35.10.310 Source—[1929 c 64 § 12; RRS § 8909-12. Formerly RCW 35.10.110, 35.10.130, part, and 35.11.080, part.]
- 35.10.320 Source—[1929 c 64 § 13; RRS § 8909-13. Formerly RCW 35.10.120 and 35.11.080, part.]
- 35.10.330 Source—[1929 c 64 § 14; RRS § 8909-14. Formerly RCW 35.10.130, part, and 35.11.080, part.]

**Chapter 35.11 Annexation of Third Class Town or City
to First Class City**

General Comment, see notes to chapter 35.10.

- 35.11.010 Source—[1929 c 64 § 2, part; RRS § 8909-2, part; herein restored in 35.10.210.]

Explanatory
note.

- 35.11.020 Source—[(i) 1929 c 64 § 2, part; RRS § 8909-2, part; herein restored in 35.10.210. (ii) 1929 c 64 § 4, part; RRS § 8909-4, part; herein restored in 35.10.230.]
- 35.11.030 Source—[1929 c 64 § 8, part; RRS § 8909-8, part; herein restored in 35.10.270.]
- 35.11.040 Source—[1929 c 64 § 8, part; RRS § 8909-8, part; herein restored in 35.10.270.]
- 35.11.050 Source—[1929 c 64 § 9; RRS § 8909-9; herein restored as 35.10.280.]
- 35.11.060 Source—[1929 c 64 § 10, part; RRS § 8909-10, part; herein restored in 35.10.290.]
- 35.11.070 Source—[1929 c 64 § 10, part; RRS § 8909-10, part; herein restored in 35.10.290.]
- 35.11.080 Source—[(i) 1929 c 64 § 11, part; RRS § 8909-11, part; herein restored in 35.10.300; (ii) 1929 c 64 § 12, part; RRS § 8909-12, part; herein restored in 35.10.310. (iii) 1929 c 64 § 13, part; RRS § 8909-13, part; herein restored in 35.10.320. (iv) 1929 c 64 § 14, part; RRS § 8909-14, part; herein restored in 35.10.330.]
- 35.11.090 Source—[1897 c 84 § 11; RRS § 5645; herein restored as 35.37.025, see general comment for chapter 35.10.]
- 35.11.100 [Reviser's cross-reference section.]
To be recodified as 35.10.340.

Chapter 35.12 Annexation of All or Part of Another City or Suburb

- 35.12.010 Source—[1890 p 136 § 9, part; RRS § 8894, part. Cf. 1890 p 227 §§ 1-14.]
(1) Revised to harmonize with the elections code, Title 29 RCW.
(2) Inasmuch as the proposition is one which may affect property rights, the session law requirements as to notice of election are retained in view of AGO 59-60 No. 103 and language is added to clarify that the general notice of election prescribed by chapter 29.27 RCW is also required.
(3) Proviso restored in view of *State ex rel Mercer Island* 58 Wn 2d 141.
- 35.12.020 Source—[1890 p 136 § 9, part; RRS § 8894, part; herein restored in 35.12.010.]
- 35.12.030 Source—[1890 p 136 § 9, part; RRS § 8894, part; herein restored in 35.12.010.]
- 35.12.040 Source—[1890 p 136 § 9, part; RRS § 8894, part; herein restored in 35.12.010.]
- 35.12.050 [Reviser's cross-reference section.]
Revised to reflect new position of 35.11.090 as 35.37.025.
- 35.12.060 [Reviser's cross-reference section.]

Chapter 35.13 Annexation of Unincorporated Areas

- 35.13.010 Source—[1959 c 311 § 1. Prior: (i) 1937 c 110 § 1; 1907 c 245 § 1; RRS § 8896. (ii) 1945 c 128 § 1. Rem. Supp. 1945 § 8909-10.]
- 35.13.015 Source—[1961 c 282 § 1.]
- 35.13.020 Source—[1961 c 282 § 7. Prior: 1951 c 248 § 6; 1907 c 245 § 2, part; RRS § 8897, part.]
- 35.13.030 Source—[1961 c 282 § 8. Prior: 1907 c 245 § 2, part; RRS § 8897, part.]
- 35.13.040 Source—[1961 c 282 § 9. Prior: 1907 c 245 § 2, part; RRS § 8897, part.]
- 35.13.050 Source—[1961 c 282 § 10. Prior: 1907 c 245 § 2, part; RRS § 8897, part.]
- 35.13.060 Source—[1961 c 282 § 12. Prior: 1907 c 245 § 3, part; RRS § 8898, part.]
- 35.13.070 Source—[1961 c 282 § 15. Prior: 1907 c 245 § 4, part; RRS § 8899, part.]

- 35.13.080 Source—[1961 c 282 § 13. Prior: 1907 c 245 § 3, part; RRS § 8898, part.] Explanatory note.
Inasmuch as the proposition is one which may affect property rights, the session law requirements as to notice of election are retained in view of AGO 59-60 No. 103 and language is added to clarify that the general notice of election prescribed by chapter 29.27 RCW is also required.
- 35.13.090 Source—[1961 c 282 § 16. Prior: 1907 c 245 § 4, part; RRS § 8899, part.]
1st para. revised to harmonize with RCW 29.13.040 whereby the county canvassing board is charged with the duty to canvass all elections.
- 35.13.100 Source—[1961 c 282 § 17; 1957 c 239 § 2. Prior: 1907 c 245 § 5, part; RRS § 8900, part.]
- 35.13.110 Source—[1957 c 239 § 3. Prior: 1907 c 245 § 5, part; RRS § 8900, part.]
"The effective date of this act" to "June 12, 1957".
- 35.13.120 Source—[1937 c 110 § 2; 1907 c 245 § 6; RRS § 8901.]
- 35.13.125 Source—[1961 c 282 § 18.]
- 35.13.130 Source—[1961 c 282 § 19; 1945 c 128 § 3. Rem. Supp. 1945 § 8908-12.]
- 35.13.140 Source—[1945 c 128 § 2; Rem. Supp. 1945 § 8908-11.]
[SLC-RO-8.]
- 35.13.150 Source—[1957 c 239 § 5. Prior: 1945 c 128 § 4, part; Rem. Supp. 1945 § 8908-13, part.]
- 35.13.160 Source—[1961 c 282 § 20; 1957 c 239 § 6. Prior: (i) 1945 c 128 § 4, part; Rem. Supp. 1945 § 8908-13, part. (ii) 1945 c 128 § 5; Rem. Supp. 1945 § 8908-14.]
- 35.13.170 Source—[1945 c 128 § 6; Rem. Supp. 1945 § 8908-15.]
- 35.13.171 Source—[1961 c 282 § 2.]
Section 2 of the 1961 session law contains an erroneous cross-reference to the provisions of section 17 of the same session law. The section referred to has no application. The cross-reference should instead have been to section 19 (RCW 35.13.130). It is herein corrected.
- 35.13.172 Source—[1961 c 282 § 3.]
- 35.13.173 Source—[1961 c 282 § 4.]
- 35.13.174 Source—[1961 c 282 § 5.]
- 35.13.175 Source—[1961 c 200 § 2.]
- 35.13.180 Source—[1907 c 228 § 4; RRS § 9202.]
- 35.13.185 Source—[1957 c 239 § 7.]
- 35.13.190 Source—[1915 c 13 § 1, part; RRS § 8906, part.]
- 35.13.200 Source—[(i) 1915 c 13 § 1, part; RRS § 8906, part; (ii) 1915 c 13 § 2, part; RRS § 8907, part.]
- 35.13.210 Source—[1915 c 13 § 2, part; RRS § 8907, part.]
- 35.13.220 Source—[1961 c 282 § 21; 1957 c 119 § 1; 1951 c 248 § 1.]
- 35.13.230 Source—[1951 c 248 § 2.]
Repealed by 1961 c 282 § 25.
- 35.13.240 Source—[1951 c 248 § 3.]
Repealed by 1961 c 282 § 25.
- 35.13.243 Source—[1963 c 231 § 1; 1961 c 282 § 22.]
- 35.13.246 Source—[1963 c 231 § 2; 1961 c 282 § 23.]
- 35.13.247 Source—[1963 c 231 § 3.]
- 35.13.248 Source—[1963 c 231 § 4.]
- 35.13.249 Source—[1963 c 231 § 5.]
- 35.13.250 Source—[1961 c 282 § 24; 1951 2nd ex. s. c 27 § 1; 1951 c 248 § 4.]
- 35.13.260 Source—[1961 c 51 § 1; 1957 c 175 § 14. Prior: 1951 c 248 § 5, part.]
- 35.13.270 Source—[1957 c 175 § 15. Prior: 1951 c 248 § 5, part.]

Explanatory
note.

- 35.13.280 Source—[1957 c 282 § 1.]
“the provisions of chapters 35.11 through 35.13” to “those provisions of chapter 35.10 which relate to the annexation of a third class city or town to a first class city or pursuant to the provisions of chapters 35.12 or 35.13” to harmonize this cross-reference with the restoration herein of 1929 c 64 whereby chapter 35.10—Consolidation and chapter 35.11—Annexation of Third Class City or Town to First Class City have been rejoined as chapter 35.10. See notes at chapter 35.10.
In the proviso, “chapter 35.11 through 35.13” to “the laws above mentioned” for the same reason.

Chapter 35.16 Reduction of City Limits

- 35.16.010 Source—[(i) 1895 c 93 § 1, part; RRS § 8902, part. (ii) 1895 c 93 § 4, part; RRS § 8905, part.]
“submit” to “cause to be submitted” as the county auditor now calls all special elections, see RCW 29.13.020 and 29.13.030. Last sentence added to supply session law requirement omitted by 1941 Code Committee.
- 35.16.020 Source—[1895 c 92 § 1, part; RRS § 8902, part.]
Inasmuch as the proposition is one which may affect property rights, the session law requirements as to notice of election are retained in view of AGO 59-60 No. 103 and language is added to clarify that the general notice of election prescribed by chapter 29.27 RCW is also required.
- 35.16.030 Source—[1895 c 93 § 1, part; RRS § 8902, part.]
“city or town council” to “canvassing authority” as all elections are now canvassed by the county canvassing board, see RCW 29.13.040.
- 35.16.040 Source—[1895 c 93 § 2; RRS § 8903.]
- 35.16.050 Source—[1895 c 93 § 3; RRS § 8904.]
- 35.16.060 Source—[1895 c 93 § 4, part; RRS § 8905, part.]

Chapter 35.17 Commission Form of Government

- 35.17.010 Source—[(i) 1911 c 116 § 11, part; RRS § 9100, part. (ii) 1943 c 25 § 3, part; 1911 c 116 § 12, part; Rem. Supp. 1943 § 9101, part.]
- 35.17.020 Source—[1963 c 200 § 12; 1959 c 86 § 2; 1955 c 55 § 9. Prior: (i) 1911 c 116 § 5; RRS § 9094. (ii) 1943 c 25 § 1; part; 1911 c 116 § 3, part; Rem. Supp. 1943 § 9092, part.]
- 35.17.030 Source—[(i) 1911 c 116 § 11, part; RRS § 9100, part. (ii) 1911 c 116 § 4, part; RRS § 9093, part.]
- 35.17.035 [Reviser's cross-reference section.]
- 35.17.040 Source—[1955 c 309 § 3. Prior: 1943 c 25 § 4, part; 1911 c 116 § 14, part; Rem. Supp. 1943 § 9103, part.]
See comment under 35.17.110.
- 35.17.050 Source—[1911 c 116 § 15, part; RRS § 9104, part.]
- 35.17.060 Source—[1911 c 116 § 15, part; RRS § 9104, part.]
- 35.17.070 Source—[1911 c 116 § 15, part; RRS § 9104, part.]
- 35.17.080 Source—[1943 c 25 § 3, part; 1911 c 116 § 12, part; Rem. Supp. 1943 § 9101, part.]
- 35.17.090 Source—[1911 c 116 § 11, part; RRS § 9100, part.]
- 35.17.100 Source—[1911 c 116 § 6; RRS § 9095.]
- 35.17.105 New section. See comment under 35.23.100.
- 35.17.110 Source—[1955 c 309 § 2. Prior: 1951 c 46 § 1; 1943 c 25 § 4, part; 1911 c 116 § 14, part; Rem. Supp. 1943 § 9103, part.]
In the 3rd para. “except as otherwise provided in RCW 35.17-.115” added to harmonize this section with RCW 35.17.115.
- 35.17.115 Source—[1951 c 47 § 1.]
- 35.17.120 Source—[1943 c 25 § 4, part; 1911 c 116 § 14, part; Rem. Supp. 1943 § 9103, part.]

- 35.17.130 Source—[1911 c 116 § 13; RRS § 9102.]
Session law language restored. Explanatory note.
- 35.17.140 Source—[1911 c 116 § 17, part; RRS § 9106, part.]
Repealed by 1961 c 268 §§ 9, 10.
- 35.17.150 Source—[1961 c 268 § 11. Prior: 1911 c 116 § 17, part; RRS § 9106, part.]
- 35.17.160 Source—[1961 c 268 § 12. Prior: 1911 c 116 § 17, part; RRS § 9106, part.]
- 35.17.170 Source—[1911 c 116 § 18; RRS § 9107.]
- 35.17.180 Source—[1911 c 116 § 10, part; RRS § 9099, part.]
- 35.17.190 Source—[1911 c 116 § 10, part; RRS § 9099, part.]
- 35.17.200 Source—[1911 c 116 § 16, part; RRS § 9105, part.]
- 35.17.210 Source—[1911 c 116 § 16, part; RRS § 9105, part.]
- 35.17.220 Source—[1911 c 116 § 16, part; RRS § 9105, part.]
- 35.17.230 Source—[(i) 1911 c 116 § 22, part; RRS § 9111, part. (ii) 1911 c 116 § 21, part; RRS § 9110, part.]
- 35.17.240 Source—[1911 c 116 § 22, part; RRS § 9111, part.]
- 35.17.250 Source—[1911 c 116 § 22, part; RRS § 9111, part.]
- 35.17.260 Source—[1911 c 116 § 21, part; RRS § 9110, part.]
In subd. (2) "called" to "cause to be called" as under chapter 29.13 RCW the county auditor now calls special elections.
- 35.17.270 Source—[(i) 1911 c 116 § 21, part; RRS § 9110, part. (ii) 1911 c 116 § 20, part; RRS § 9109, part. (iii) 1911 c 116 § 24; RRS § 9113.]
- 35.17.280 Source—[(i) 1911 c 116 § 20, part; RRS § 9109, part. (ii) 1911 c 116 § 21, part; RRS § 9110, part.]
- 35.17.290 Source—[(i) 1911 c 116 § 20, part; RRS § 9109, part. (ii) 1911 c 116 § 21, part; RRS § 9110, part.]
- 35.17.300 Source—[(i) 1911 c 116 § 20, part; RRS § 9109, part. (ii) 1911 c 116 § 21, part; RRS § 9110, part.]
- 35.17.310 Source—[1911 c 116 § 21, part; RRS § 9110, part.]
Language added to clarify that the usual notice of election is also required.
- 35.17.320 Source—[1911 c 116 § 21, part; RRS § 9110, part.]
- 35.17.330 Source—[1911 c 116 § 21, part; RRS § 9110, part.]
- 35.17.340 Source—[1911 c 116 § 21, part; RRS § 9110, part.]
- 35.17.350 Source—[1911 c 116 § 21, part; RRS § 9110, part.]
- 35.17.360 Source—[1911 c 116 § 21, part; RRS § 9110, part.]
- 35.17.370 Source—[1927 c 210 § 1; 1911 c 116 § 1, RRS § 9090.]
- 35.17.380 Source—[1911 c 116 § 2, part; RRS § 9091, part.]
"submit" to "cause to be submitted" as under chapter 29.13 RCW the county auditor now calls special elections.
- 35.17.390 Source—[1911 c 116 § 2, part; RRS § 9091, part.]
- 35.17.400 Source—[1963 c 200 § 13; 1955 c 55 § 10. Prior: 1943 c 25 § 1, part; 1911 c 116 § 3, part; Rem. Supp. 1943 § 9092, part.]
- 35.17.410 Source—[1911 c 116 § 4, part; RRS § 9093, part.]
- 35.17.420 Source—[1911 c 116 § 19; RRS § 9108.]
- 35.17.430 Source—[1911 c 116 § 23, part; RRS § 9112, part.]
(1) "for six years" to "for more than six years" restoring session law language.
(2) The RCW phrase ". . . in which its population places it" appears in the session law as ". . . and accept the provisions of the general law of the state of Washington applicable to cities of its population".

Both versions have been rendered somewhat ambiguous by the 1955 amendment of chapter 35.01 which prescribes the population requirements for the various classes of cities and towns. Prior to such amendment, the population schedule prescribed both minimums and maximums, as follows:

Explanatory
note.

RCW 35.01.010	1st class.	More than 20,000.
35.01.020	2nd class.	More than 10,000 and not more than 20,000.
35.01.030	3rd class.	More than 1,500 and not more than 10,000.
35.04.040	Towns	Not less than 300 nor more than 1,500 at time of organization.

Since the 1955 amendments only minimums are prescribed, as follows:

RCW 35.01.010	1st class.	At least 20,000.
35.01.020	2nd class.	At least 10,000.
35.01.030	3rd class.	At least 15,000.
35.01.040	Towns	No change.

Whereas under the pre-1955 version, the reclassification of the disorganizing municipality was certain, it is no longer so. By a literal reading of the instant section in either its current RCW form or as it appears in the session law, together with the presently worded classification sections, a city with 25,000 inhabitants could choose to reorganize as either a first, second, or third class city.

The ambiguity is cured by revising the last portion to read ". . . of the highest class for which its population qualifies it." This would seem to preserve the original intent of 35.17.430.

35.17.440	Source—[1911 c 116 § 23, part; RRS § 9112, part.]
35.17.450	Source—[1911 c 116 § 23, part; RRS § 9112, part.]
35.17.460	Source—[1911 c 116 § 23, part; RRS § 9112, part.]

Chapter 35.18 Council-Manager Plan

35.18.010	Source—[1955 c 337 § 2. Prior: (i) 1943 c 271 § 8, part; Rem. Supp. 1943 § 9198-17, part. (ii) 1943 c 271 § 12, part; Rem. Supp. 1943 § 9198-21, part. (iii) 1949 c 84 § 2, part; 1943 c 271 § 17, part; Rem. Supp. 1949 § 9198-26, part.]
35.18.020	Source—[1959 c 76 § 1; 1955 c 337 § 3. Prior: (i) 1943 c 271 § 6; Rem. Supp. 1943 § 9198-15. (ii) 1943 c 271 § 4, part; Rem. Supp. 1943 § 9198-13, part.]
35.18.030	Source—[(i) 1949 c 84 § 4; Rem. Supp. 1949 § 9198-33. (ii) 1943 c 271 § 10, part; Rem. Supp. 1943 § 9198-19, part. (iii) 1943 c 271 § 21; Rem. Supp. 1943 § 9198-30.]
35.18.035	Reviser's cross-reference section.
35.18.040	Source—[1955 c 337 § 4. Prior: (i) 1949 c 84 § 2, part; 1943 c 271 § 17, part; Rem. Supp. 1949 § 9198-26, part. (ii) 1943 c 271 § 12, part; Rem. Supp. 1943 § 9198-21, part.]
35.18.050	Source—[1955 c 337 § 5. Prior: 1943 c 271 § 12, part; Rem. Supp. 1943 § 9198-21, part.]
35.18.060	Source—[1955 c 337 § 6. Prior: (i) 1949 c 84 § 2, part; 1943 c 271 § 17, part; Rem. Supp. 1949 § 9198-26, part. (ii) 1949 c 84 § 1; 1943 c 271 § 15; Rem. Supp. 1949 § 9198-24. (iii) 1949 c 84 § 3, part; 1943 c 271 § 18, part; Rem. Supp. 1949 § 9198-27 part.]
35.18.070	Source—[1943 c 271 § 13; Rem. Supp. 1943 § 9198-22.]
35.18.080	Source—[1943 c 271 § 16; Rem. Supp. 1943 § 9198-25.]
35.18.090	Source—[1955 c 337 § 7. Prior: (i) 1949 c 84 § 2, part; 1943 c 271 § 17, part; Rem. Supp. 1949 § 9198-26, part. (ii) 1949 c 84 § 3, part; 1943 c 271 § 18, part; Rem. Supp. 1949 § 9198-27, part.]
35.18.100	Source—[1955 c 337 § 8. Prior: 1949 c 84 § 2, part; 1943 c 271 § 17, part; Rem. Supp. 1949 § 9198-26, part.]
35.18.110	Source—[1955 c 337 § 14. Prior: 1943 c 271 § 19, part; Rem. Supp. 1943 § 9198-28, part.]
35.18.120	Source—[1955 c 337 § 17. Prior: 1943 c 271 § 14, part; Rem. Supp. 1943 § 9198-23, part.]
35.18.130	Source—[1955 c 337 § 18. Prior: 1943 c 271 § 14, part; Rem. Supp. 1943 § 9198-23, part.]

- 35.18.140 Source—[1955 c 337 § 19. Prior: 1943 c 271 § 14, part; Rem. Supp. 1943 § 9198-23, part.] Explanatory note.
- 35.18.150 Source—[1955 c 337 § 15. Prior: (i) 1943 c 271 § 19, part; Rem. Supp. 1943 § 9198-23, part. (ii) 1943 c 271 § 9, part; Rem. Supp. 1943 § 9198-18, part.]
- 35.18.160 Source—[(i) 1943 c 271 § 9, part; Rem. Supp. 1943 § 9198-18, part. (ii) 1943 c 271 § 10, part; Rem. Supp. 1943 § 9198-19, part.]
- 35.18.170 Source—[1955 c 337 § 20. Prior: 1943 c 271 § 7; Rem. Supp. 1943 § 9198-16.]
- 35.18.180 Source—[1959 c 76 § 3; 1943 c 271 § 11; Rem. Supp. 1943 § 9198-20.]
- 35.18.190 Source—[1955 c 337 § 9. Prior: 1943 c 271 § 8, part; Rem. Supp. 1943 § 9198-17, part.]
- 35.18.200 Source—[1955 c 337 § 10. Prior: 1943 c 271 § 8, part; Rem. Supp. 1943 § 9198-17, part.]
- 35.18.210 Source—[1955 c 337 § 11. Prior: 1943 c 271 § 8, part; Rem. Supp. 1943 § 9198-17, part.]
- 35.18.220 Source—[(i) 1943 c 271 § 9, part; Rem. Supp. 1943 § 9198-18, part. (ii) 1943 c 271 § 20; Rem. Supp. 1943 § 9198-29.]
- 35.18.230 Source—[1959 c 76 § 2; 1943 c 271 § 1; Rem. Supp. 1943 § 9198-10.]
- 35.18.240 Source—[1955 c 337 § 22. Prior: (i) 1943 c 271 § 2, part; Rem. Supp. 1943 § 9198-11, part. (ii) 1943 c 271 § 5; Rem. Supp. 1943 § 9198-14.]
- 35.18.250 Source—[1959 c 76 § 4; 1955 c 337 § 23. Prior: 1943 c 271 § 2, part; Rem. Supp. 1943 § 9198-11, part.]
“submit the question” to “cause the question to be submitted” as under RCW 29.13.020 and 29.13.030 the county auditor calls all special elections.
- 35.18.260 Source—[1943 c 271 § 3; Rem. Supp. 1943 § 9198-12.]
- 35.18.270 Source—[1959 c 76 § 5; 1955 c 337 § 12. Prior: (i) 1943 c 271 § 8, part; Rem. Supp. 1943 § 9198-17, part. (ii) 1943 c 271 § 4, part; Rem. Supp. 1943 § 9198-13, part.]
- 31.18.280 Source—[1943 c 271 § 8, part; Rem. Supp. 1943 § 9198-17, part.]
- 35.18.285 Source—[1955 c 337 § 24.]
- 35.18.290 Source—[1943 c 271 § 22, part; Rem. Supp. 1943 § 9198-31, part.]
“its population” to “the highest class for which its population qualifies it”; see comment (2) to 35.17.430.
- 35.18.300 Source—[1943 c 271 § 23, part; Rem. Supp. 1943 § 9198-32, part.]
- 35.18.310 Source—[1943 c 271 § 22, part; Rem. Supp. 1943 § 9198-31, part.]
“its population” to “. . . class”; see comment (2) to 35.17.430.
- 35.18.320 Source—[1943 c 271 § 23, part; Rem. Supp. 1943 § 9198-32, part.]
“population” to “class”;
see comment (2) to 35.17.430.

The present RCW section which provides “upon the adoption of the council-manager plan, the city or town officials then existing shall hold office until their successors have been elected and qualified” purports to be the 3rd sentence of 1943 c 271 § 10, but actually bears no resemblance to it and has no foundation anywhere in the council-manager act. The 3rd sentence is herein restored, preceded by the 2nd sentence which is slightly revised.

Chapter 35.20 Municipal Court—Cities Over Five Hundred Thousand

- 35.20.010 Source—[1955 c 290 § 1.]
- 35.20.020 Source—[1955 c 290 § 2.]
- 35.20.030 Source—[1955 c 290 § 3.]
- 35.20.040 Source—[1955 c 290 § 4.]
- 35.20.050 Source—[1955 c 290 § 5.]
- 35.20.060 Source—[1955 c 290 § 6.]
- 35.20.070 Source—[1955 c 290 § 7.]

**Explanatory
note.**

- 35.20.080 Source—[1955 c 290 § 8.]
“the effective date hereof” to “June 8, 1955”.
- 35.20.090 Source—[1955 c 290 § 9.]
- 35.20.100 Source—[1955 c 290 § 10.]
- 35.20.110 Source—[1955 c 290 § 11.]
- 35.20.120 Source—[1955 c 290 § 12.]
- 35.20.130 Source—[1955 c 290 § 13.]
- 35.20.140 Source—[1955 c 290 § 14.]
- 35.20.150 Source—[1961 c 213 § 1; 1955 c 290 § 15.]
- 35.20.160 Source—[1955 c 290 § 16.]
- 35.20.170 Source—[1955 c 290 § 17.]
- 35.20.180 Source—[1955 c 290 § 18.]
- 35.20.190 Source—[1955 c 290 § 19.]
- 35.20.200 Source—[1955 c 290 § 20.]
- 35.20.210 Source—[1955 c 290 § 21.]
Effective date identified by parenthetical insertion of “June 8, 1955”.
- 35.20.220 Source—[1955 c 290 § 22.]
- 35.20.230 Source—[1955 c 290 § 23.]
- 35.20.240 Source—[1955 c 290 § 24.]
Effective date identified by parenthetical insertion of “June 8, 1955”.
- 35.20.250 Source—[1955 c 290 § 25.]
- 35.20.260 Source—[1955 c 290 § 26.]
- 35.20.900 Source—[1955 c 290 § 27.]
- 35.20.910 Source—[1955 c 290 § 28.]
- 35.20.920 Source—[1955 c 290 § 29.]

This section contains a severability provision in the standard form relating specifically to chapter 35.20. Chapter 35.98, which is to be added by the reenactment, will contain general construction provisions, one of which will be a severability provision. RCW 35.20.920 is deleted as unnecessary, 35.98.030 operating as a continuation thereof.

**Chapter 35.21 Miscellaneous Provisions Affecting All
Cities and Towns**

- 35.21.010 Source—[1963 c 119 § 1; 1890 p 141 § 15 part; RRS § 8935.]
“act” to “title” as the 1890 act is the basic source of city and town laws.
- 35.21.020 Source—[1947 c 28 § 1; 1937 c 98 § 1; Rem. Supp. 1947 § 8981-4.]
- 35.21.030 Source—[1911 c 98 § 5; RRS § 9356.]
- 35.21.040 Source—[1943 c 24 § 1; Rem. Supp. 1943 § 8607-25.]
Repealed by 1951 c 178 § 17.
- 35.21.050 Source—[1943 c 24 § 2; Rem. Supp. 1943 § 8607-26.]
Repealed by 1951 c 178 § 17.
- 35.21.060 Source—[1943 c 24 § 3; Rem. Supp. 1943 § 8607-27.]
Repealed by 1951 c 178 § 17.
- 35.21.070 Source—[1953 c 38 § 1; 1941 c 60 § 1; Rem. Supp. 1941 § 9213-5.]
- 35.21.080 Source—[1953 c 38 § 2; 1941 c 60 § 2; Rem. Supp. 1941 § 9213-6.]
- 35.21.085 Source—[1953 c 27 § 1.]
- 35.21.086 Source—[1953 c 27 § 2.]
- 35.21.088 Source—[1963 c 115 § 7; 1953 c 67 § 1.]
- 35.21.090 Source—[1911 c 98 § 4; 1907 c 241 § 68; RRS § 9355.]
- 35.21.100 Source—[1941 c 80 § 1; Rem. Supp. 1941 § 9213-8.]
- 35.21.110 Source—[1895 c 130 § 1; RRS § 5476.]
- 35.21.120 Source—[1943 c 270 § 1, part; Rem. Supp. 1943 § 9504-1, part.]
- 35.21.130 Source—[1943 c 270 § 1, part; Rem. Supp. 1943 § 9504-1, part.]
- 35.21.140 Source—[1943 c 270 § 1, part; Rem. Supp. 1943 § 9504-1, part.]
- 35.21.150 Source—[1943 c 270 § 1, part; Rem. Supp. 1943 § 9504-1, part.]
- 35.21.151 Cross-reference section.
- 35.21.160 Source—[1961 c 277 § 4; 1909 c 111 § 1; RRS § 8892.]

- 35.21.170 Source—[1933 ex.s. c 62 § 81, part; RRS § 7306-81, part.] Explanatory
 “annual report” to “annual written report”. note.
- In the first paragraph of the session law, (codified as RCW 36.27.020) the prosecuting attorney in each county is required to file a “written report” of all prosecutions. In the second paragraph of the session law section, the judge of a police court in any city having such a court is required to file a “like annual report”. The Code Committee version of RCW 35.21.160 requires only that such judge shall “send an annual report”. Furthermore as this section only requires a report of violations prosecuted under the Steele Act, the phrase “brought under Title 66 RCW” is added.
- 35.21.175 Source—[1955 1st ex.s. c 9 § 4. Prior: 1951 c 100 § 2.]
- 35.21.180 Source—[1963 c 184 § 1; 1943 c 213 § 1; 1935 c 32 § 1; Rem. Supp. 1943 § 9199-1.]
- 35.21.190 Source—[1911 c 98 § 57; RRS § 9410.]
- 35.21.200 Source—[1951 c 162 § 1; 1941 c 25 § 1; formerly Rem. Supp. 1941 § 9213-3.]
- 35.21.210 Source—[1911 c 98 § 3; RRS § 9354.]
- 35.21.220 Source—[1927 c 261 § 1; RRS § 9213-1.]
- 35.21.230 Source—[1890 p 733 § 1; RRS § 9293.]
 “or town” deleted as not appearing in the 1890 law.
- 35.21.240 Source—[1890 p 733 § 2; RRS § 9294.]
- 35.21.250 Source—[1901 c 149 § 1; RRS § 9295.]
 “and towns” deleted as not appearing in the 1901 act.
- 35.21.260 Source—[1943 c 82 § 12; 1937 c 187 § 64; Rem. Supp. 1943 § 6450-64.]
- 35.21.270 Source—[1949 c 164 § 5; Rem. Supp. 1949 § 9300-5.]
 “department of highways” to “highway commission”.
- 35.21.280 Source—[1957 c 126 § 1; 1951 c 35 § 1; 1943 c 80 § 1; Rem. Supp. 1943 § 8370-44a.]
- 35.21.290 Source—[1933 c 135 § 1; 1909 c 161 § 1; RRS § 9471.]
- 35.21.300 Source—[1909 c 161 § 2; RRS § 9472.]
- 35.21.310 Source—[1949 c 113 § 1; Rem. Supp. 1949 § 9213-10.]
- 35.21.320 Source—[(i) 1893 c 48 § 1, part; RRS § 4116, part. (ii) 1895 c 152 § 2, part; RRS § 4119, part. (iii) 1895 c 152 § 1, part; RRS § 4118, part.]
- 35.21.330 Source—[1917 c 103 § 1; RRS § 10204.]
- 35.21.340 Reviser's cross-reference section.
- 35.21.350 Reviser's cross-reference section.
- 35.21.360 Reviser's cross-reference section.
- 35.21.370 Reviser's cross-reference section.
- 35.21.380 Reviser's cross-reference section.
- 35.21.390 Reviser's cross-reference section.
- 35.21.400 Reviser's cross-reference section.
- 35.21.410 Reviser's cross-reference section.
- 35.21.420 Source—[1951 c 104 § 1.]
- 35.21.425 Source—[1955 c 252 § 1.]
- 35.21.426 Source—[1955 c 252 § 2.]
- 35.21.427 Source—[1955 c 252 § 3.]
- 35.21.430 Source—[1951 c 217 § 1.]
- 35.21.440 Source—[1951 c 217 § 2.]
- 35.21.450 Source—[1951 c 217 § 3.]
- 35.21.460 Source—[1953 c 63 § 1.]
 The section is herein decodified as the authority contained herein expired on June 11, 1963.
- 35.21.500 Source—[1957 c 97 § 1.]
- 35.21.510 Source—[1957 c 97 § 2.]
- 35.21.520 Source—[1957 c 97 § 3.]
 “this act” to “RCW 35.21.500 through 35.21.570.”
 Section 9 of the 1957 act, which amended 35.24.240 is omitted from the translation as 35.24.240 is herein decodified.

Explanatory
note.

- 35.21.530 Source—[1957 c 97 § 4.]
 35.21.540 Source—[1957 c 97 § 5.]
 35.21.550 Source—[1957 c 97 § 6.]
 35.21.560 Source—[1961 c 70 § 1; 1957 c 97 § 7.]
 35.21.570 Source—[1957 c 97 § 8.]
 see note at 35.21.520.
 35.21.580 Source—[1957 c 175 § 16.]
 This section provides for the method of distribution of state funds to cities and towns for the year 1957 only and is, therefore, obsolete and herein decodified.
 35.21.590 Reviser's cross-reference section.
 35.21.600 Source—[1963 c 222 § 1.]

Chapter 35.22 First Class Cities

- 35.22.010 Source—[1890 p 143 § 23; RRS § 8947.]
 35.22.020 Source—[1911 c 17 § 1; RRS § 8948.]
 35.22.030 Source—[1890 p 215 § 1; RRS § 8951.]
 35.22.040 Source—[1890 p 216 § 2; RRS § 8952.]
 35.22.050 Source—[1890 p 216 § 3, part; RRS § 8953, part.]
 35.22.060 Source—[1890 p 216 § 3, part; RRS § 8953, part.]
 35.22.070 Source—[(i) 1890 p 216 § 3, part; RRS § 8953, part. (ii) 1890 p 223 § 6, part; RRS § 8977, part.]
 35.22.080 Source—[(i) 1890 p 216 § 3, part; RRS § 8953, part. (ii) 1890 p 223 § 6, part; RRS § 8977, part. (iii) 1890 p 217 § 4, part; RRS § 8954, part.]
 35.22.090 Source—[1890 p 216 § 3, part; RRS § 8953, part.]
 35.22.100 Source—[(i) 1890 p 223 § 6, part; RRS § 8977, part. (ii) 1890 p 217 § 4, part; RRS § 8954, part.]
 35.22.110 Source—[1890 p 217 § 4, part; RRS § 8954, part.]
 35.22.120 Source—[1949 c 233 § 1; 1903 c 186 § 1; Rem. Supp. 1949 § 8963.]
 35.22.130 Source—[(i) 1903 c 186 § 2; RRS § 8964. (ii) 1903 c 186 § 3; RRS § 8965.]
 35.22.140 Source—[1945 c 55 § 1, part; 1925 ex.s. c 137 § 1, part; 1895 c 27 § 1, part; Rem. Supp. 1945 § 8955, part.]
 35.22.150 Source—[1945 c 55 § 1, part; 1925 ex.s. c 137 § 1, part; 1895 c 27 § 1, part; Rem. Supp. 1945 § 8955, part.]
 35.22.160 Source—[1925 ex.s. c 137 § 2, part; 1895 c 27 § 2, part; RRS § 8956, part.]
 "Immediately" appearing as the first word of the current RCW section is herein deleted as this concept was eliminated by the 1925 amendment of 1895 c 27 § 2. For construction of this section as it was prior to the 1925 amendment, see *State ex rel Lambert* 59 Wash. 670(1910).
 See also comment for 35.22.180.
 35.22.170 Source—[1925 ex.s. c 137 § 3; 1895 c 27 § 3; RRS § 8957.]
 35.22.180 Source—[(i) 1895 c 27 § 4; RRS § 8958. (ii) 1895 c 27 § 5; RRS § 8959.]
 This section purports to be a combination of RRS § 8958 relating to Notice of election and RRS § 8959 which provides:
 "Said elections may be general or special elections and, except as herein provided, shall be governed by the law regulating and controlling general or special elections in said city."
 RCW 35.22.180 as presently constituted omits any reference to general or special elections; such language is herein supplied. It is particularly necessary in view of the deletion from 35.22.160 of the word "immediately".
 35.22.190 Source—[(i) 1925 ex.s. c 137 § 2, part; 1895 c 27 § 2, part; RRS § 8956, part. (ii) 1895 c 27 § 6; RRS § 8962.]
 35.22.200 Source—[(i) 1890 p 223 § 6, part; RRS § 8977, part. (ii) 1927 c 52 § 1; 1911 c 17 § 2; RRS § 8949.]
 Last sentence revised to harmonize with Title 29 RCW.

- 35.22.205 Source—[1957 c 113 § 1; 1955 c 354 § 1.]
- 35.22.210 Source—[1925 ex.s. c 61 § 1; RRS § 8948-1.]
- 35.22.220 Source—[1925 ex.s. c 61 § 2; RRS § 8948-2.]
- 35.22.230 Source—[(i) 1911 c 32 § 1; RRS § 8960. (ii) 1911 c 32 § 2; RRS § 8961.]
This section decodified as obsolete in that all municipal elections are now covered by the consolidated election law (chapter 29.13).
- 35.22.240 Source—[1929 c 192 § 1; RRS § 8966-1.]
- 35.22.250 Source—[1929 c 192 § 2; RRS § 8966-2.]
- 35.22.260 Source—[1929 c 192 § 3; RRS § 8966-3.]
- 35.22.270 Source—[1957 c 123 § 1; 1929 c 192 § 4; RRS § 8966-4.]
- 35.22.280 Source—[1890 p 218 § 5; RRS § 8966.]
Subd. (4): Since 1917 the controlling statute regarding municipal debt limit has been 1917 c 143 as amended from time to time, herein codified as chapter 39.36 RCW; see in this respect *Hansen v. Hoquiam* 95 Wash. 132, *Eldridge v. Bellingham*, 106 Wash. 96, *Shoen v. Seattle*, 117 Wash. 303, and *State ex rel School Dist. No. 102 v. Clausen*, 116 Wash. 432. In addition to the instant sections, other expressions of debt limitation appear in RCW 35.30.040, 35.30.050, 35.30.060, 35.37.040, 35.37.050, and 35.37.090. In order to harmonize the provisions of these sections with the limits prescribed by chapter 39.36 RCW, each of them is herein revised by deleting the language prescribing the limitation and substituting therefor a reference to the limits prescribed by chapter 39.36 RCW as now or hereafter amended.
Subd. (32): Restored to session law language.
- 35.22.290 Source—[1925 ex.s. c 81 § 1; 1923 c 179 § 1; RRS § 8981-2.]
- 35.22.300 Source—[1925 c 12 § 1; RRS § 8981-3.]
- 35.22.310 Source—[1907 c 89 § 1; RRS § 8972.]
- 35.22.320 Source—[1907 c 89 § 2; RRS § 8973.]
- 35.22.330 Source—[1923 c 92 § 1; RRS § 8981-1.]
- 35.22.340 Source—[1907 c 41 § 1; RRS § 8971.]
- 35.22.350 Source—[1955 c 145 § 1; 1951 c 21 § 1; 1935 c 37 § 1; RRS § 8966-5.]
- 35.22.360 Source—[1937 c 16 § 1; RRS § 9000-22a.]
- 35.22.370 Source—[1903 c 141 § 1; RRS § 8970.]
- 35.22.380 Source—[1895 c 13 § 1; RRS § 8974.]
- 35.22.390 Source—[1895 c 13 § 2, part; RRS § 8975, part.]
- 35.22.400 Source—[(i) 1895 c 13 § 3; RRS § 8976. (ii) 1895 c 13 § 2, part; RRS § 8975, part.]
- 35.22.410 Source—[1911 c 67 § 1; RRS § 8967.]
- 35.22.420 Source—[1941 c 85 § 1; 1899 c 85 § 2; Rem. Supp. 1941 § 8992.]
- 35.22.430 Source—[1899 c 85 § 7; RRS § 8997.]
- 35.22.440 Source—[1903 c 30 § 2; 1899 c 85 § 6; RRS § 8996.]
- 35.22.450 Source—[1943 c 105 § 1; Rem. Supp. 1943 § 8996-1.]
This section authorized the appointment by the "police judge designated as the municipal judge" of a chief clerk and assistant clerks in cities of over 300,000 population to assist such judge with his duties.
Seattle was the only city affected by this section which was enacted in 1943. The subsequently enacted provisions of RCW 35.20.210 relating to the appointment of clerks for a municipal court in cities of over 500,000 to supersede RCW 35.22.450.
This being the case RCW 35.22.450 is hereby decodified.
- 35.22.460 Source—[1923 c 182 § 2, part; 1903 c 30 § 1, part; 1899 c 85 § 3, part; RRS § 8993, part.]
- 35.22.470 Source—[1923 c 182 § 1; RRS § 8992-1.]
- 35.22.480 Source—[1899 c 85 § 9; RRS § 8999.]
- 35.22.490 Source—[1899 c 85 § 4; RRS 8994.]

Explanatory
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Explanatory
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- 35.22.500 Source—[1899 c 85 § 5; RRS § 8995.]
- 35.22.510 Source—[1899 c 85 § 8; RRS § 8998.]
- 35.22.520 Source—[1953 c 60 § 1; 1899 c 85 § 1; RRS § 9000.]
- 35.22.530 Source—[(i) 1923 c 182 § 2, part; 1903 c 30 § 1, part; 1899 c 85 § 3, part; RRS § 8993. (ii) 1937 c 79 § 1; RRS § 8993-1.]
- 35.22.540 Source—[1937 c 79 § 2; RRS § 8993-2.]
- 35.22.550 Source—[1937 c 79 § 3; RRS § 8993-3.]
- 35.22.560 Source—[1937 c 79 § 4; RRS § 8993-4.]
- 35.22.570 Source—[1890 p 224 § 7; RRS § 8981.]
- 35.22.580 Source—[1917 c 58 § 1; 1915 c 17 § 1; RRS § 8983.]
This and the next two sections are part of 1915 c 17 which was designed primarily to prevent the diversion of funds in first class cities and was carried by Pierce & Remington in their chapters on First Class Cities. Presently codified as RCW 35.45.100 through 35.45.120 in the chapter entitled "Local Improvements—Bonds and Warrants" they are herein relocated in the First Class Cities chapter as 35.22.580 through 35.22.600. The last sentence of 35.22.580 is a repetition of the last sentence of RCW 35.45.090, which was added by the 1941 Code Committee to harmonize with the L.I.D. guarantee acts.
- 35.22.590 Source—[1915 c 17 § 2; RRS § 8984.]
See comments at 35.22.580.
- 35.22.600 Source—[1915 c 17 § 3; RRS § 8985.]
See comments at 35.22.580.
- 35.22.900 Source—[1890 p 224 § 8.]
This section applied to the nine section act (1890 p 215) authorizing cities of the first class to frame their own charters and granting them both specific and omnibus powers, the session law section refers to "this act" which is herein translated to read "this chapter" and while this is not a literal translation as chapter 35.22 RCW also contains later laws it would appear that the rule of liberal construction should be made to apply to such later sections as well. The section is presently carried as a footnote to 35.22.030.
- Chapter 35.23 Second Class Cities**
- 35.23.010 Source—[1953 c 190 § 1; 1907 c 241 § 1; RRS § 9006.]
- 35.23.020 Source—[1949 c 83 § 1; 1907 c 241 § 2; RRS § 9007.]
Session law language restored.
- 35.23.030 Source—[1907 c 241 § 9; RRS § 9014.]
Provisions relating to appointive officials deleted in view of the later enactment, herein 35.21.200.
- 35.23.040 Source—[1963 c 200 § 14; 1959 c 86 § 3. Prior: (i) 1951 c 71 § 1; 1909 c 120 § 4; 1907 c 241 § 3; RRS § 9008. (ii) 1951 c 71 § 1; 1907 c 241 § 4; RRS § 9009.]
- 35.23.050 Source—[1907 c 241 § 5; 1890 p 145 § 27; RRS § 9010.]
Last sentence of RCW 35.23.050 deleted as covered by the general election laws.
- 35.23.060 Source—[1907 c 241 § 6; 1890 p 145 § 28; RRS § 9011.]
Section deleted as covered by RCW 29.13.040, and chapter 29.62 RCW.
- 35.23.070 Source—[1951 c 71 § 2; 1907 c 241 § 7; RRS § 9012.]
"first Monday in June" to "first Monday in January" to conform to revised election dates prescribed by chapter 29.13 RCW.
- 35.23.080 Source—[(i) 1907 c 241 § 16, part; RRS § 9021, part. (ii) 1907 c 241 § 17, part; RRS § 9022, part.]
- 35.23.090 Source—[1955 c 355 § 2. Prior: 1939 c 105 § 2, part; 1907 c 241 § 20, part; RRS § 9025, part.]
- 35.23.100 Source—[1941 c 88 § 1, part; Rem. Supp. 1941 § 9025-1, part.]
"or of any city having a commission form of government" deleted and a new section 35.17.105 added.

- 35.23.110 Source—[1907 c 241 § 19; RRS § 9024.]
- 35.23.120 Source—[1949 c 83 § 2; Rem. Supp. 1949 § 9007A.]
- 35.23.130 Source—[(i) 1907 c 241 § 24; RRS § 9029. (ii) 1907 c 241 § 25; RRS § 9030.]
“subject to applicable civil service laws” added in recognition of such later provisions.
- 35.23.132 Source—[1963 c 191 § 2.]
- 35.23.140 Source—[1955 c 355 § 3. Prior: 1939 c 105 § 5, part; 1907 c 241 § 26, part; RRS § 9031, part.]
- 35.23.150 Source—[1907 c 241 § 64; RRS § 9067.]
- 35.23.160 Source—[1907 c 241 § 23; RRS § 9028.]
- 35.23.170 Source—[1953 c 86 § 1; 1925 ex.s. c 121 § 1; 1907 c 228 § 2; RRS § 9200.]
- 35.23.180 Source—[1907 c 241 § 8, part; 1890 p 145 § 25; RRS § 9013, part.]
- 35.23.190 Source—[(i) 1907 c 241 § 10, part; 1890 p 145 § 29; RRS § 9015, part. (ii) 1907 c 241 § 11; 1890 p 145 § 29; RRS § 9016.]
- 35.23.200 Source—[1953 c 19 § 1; 1907 c 241 § 18; RRS § 9023.]
- 35.23.210 Source—[1907 c 241 § 62; 1890 p 146 § 30; RRS § 9065.]
“subject to applicable civil service laws” added in recognition of such later provisions.
- 35.23.220 Source—[1961 c 89 § 1; 1955 c 355 § 4; 1951 c 85 § 1. Prior: (i) 1939 c 105 § 1; 1907 c 241 § 12; 1890 p 146 §§ 32, 33; RRS § 9017. (ii) 1939 c 105 § 2, part; 1907 c 241 § 20, part; RRS § 9025, part. (iii) 1939 c 105 § 3; 1907 c 241 § 21; RRS § 9026. (iv) 1939 c 105 § 4; 1907 c 241 § 22; RRS § 9027. (v) 1939 c 105 § 5, part; 1907 c 241 § 26, part; RRS § 9031, part.]
The phrase “and any other officer where provision is made specifically that such officer shall serve without compensation” added to harmonize with such provisions as that contained in RCW 35.23.170 which prohibits the payment of compensation by cities or towns to park commissioners.
- 35.23.230 Source—[1961 c 268 § 7; 1907 c 241 § 13; 1890 p 156 § 44; RRS § 9018.]
- 35.23.240 Source—[(i) 1907 c 241 § 10, part; 1890 p 145 § 29; RRS § 9015. (ii) 1907 c 241 § 8, part; 1890 p 145 § 25; RRS § 9013, part. (iii) 1907 c 241 § 63; RRS § 9066. (iv) 1907 c 228 § 5, part; RRS § 9203.]
- 35.23.250 Source—[(i) 1907 c 241 § 17, part; RRS § 9022, part. (ii) 1907 c 241 § 27; RRS § 9032. (iii) 1907 c 241 § 28, part; 1890 p 148 § 37; RRS § 9033, part.]
- 35.23.260 Source—[(i) 1907 c 241 § 28, part; 1890 p 148 § 37; RRS § 9033, part. (ii) 1907 c 241 § 16, part; RRS § 9021, part. (iii) 1907 c 241 § 72, part; RRS § 9075, part.]
- 35.23.270 Source—[(i) 1907 c 241 § 28, part; 1890 p 148 § 37; RRS § 9033, part. (ii) 1907 c 241 § 59; 1890 p 159 § 49; RRS § 9062.]
- 35.23.280 Source—[(i) 1907 c 241 § 28, part; 1890 p 148 § 37; RRS § 9033, part. (ii) 1907 c 241 § 61; 1890 p 159 § 51; RRS § 9064.]
- 35.23.290 Source—[(i) 1907 c 241 § 28, part; 1890 p 148 § 37; RRS § 9033, part. (ii) 1907 c 241 § 60; 1890 p 159 § 50; RRS § 9063.]
- 35.23.300 Source—[(i) 1907 c 241 § 16, part; RRS § 9021, part. (ii) 1907 c 241 § 57, part; 1890 p 158 § 47; RRS § 9060, part. (iii) 1907 c 241 § 58, part; 1890 p 158 § 48; RRS § 9061, part.]
- 35.23.310 Source—[(i) 1907 c 241 § 57, part; 1890 p 158 § 47; RRS § 9060, part. (ii) 1907 c 241 § 58, part; 1890 p 158 § 48; RRS § 9061, part.]
- 35.23.320 Source—[1890 p 178 § 103; RRS § 9086.]
- 35.23.330 Source—[(i) 1907 c 241 § 35; RRS § 9042. (ii) 1907 c 241 § 72, part; RRS § 9075, part.]
- 35.23.340 Source—[1957 c 224 § 1; 1907 c 241 § 36; 1890 p 154 § 40; RRS § 9043.]

Explanatory
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- Explanatory
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- 35.23.352 Source—[1957 c 121 § 1; 1951 c 211 § 1. Prior: (i) 1907 c 241 § 52; RRS § 9055. (ii) 1915 c 184 § 31; RRS § 9145. (iii) 1947 c 151 § 1; 1890 p 209 § 166; Rem. Supp. 1947 § 9185.]
- 35.23.353 Source—[1963 c 130 § 1.]
“chapter 282, section 1, session laws 1957 (RCW 35.13.280)” to “RCW 35.13.280 as now or hereafter amended”.
- 35.23.370 Source—[1907 c 241 § 37; RRS § 9044.]
- 35.23.380 Source—[1907 c 241 § 32; RRS § 9039.]
- 35.23.390 Source—[(i) 1907 c 241 § 31, part; RRS § 9038, part. (ii) 1907 c 228 § 1, part; RRS § 9199, part. (iii) 1907 c 241 § 67, part; RRS § 9070, part.]
- 35.23.400 Source—[1907 c 241 § 31, part; RRS § 9038, part.]
- 35.23.410 Source—[1907 c 241 § 67, part; RRS § 9070, part.]
In first sentence “waterfront on navigable waters” to “waterfront or navigable waters” in restoration of session law language.
- 35.23.420 Source—[1907 c 241 § 67, part; RRS § 9070, part.]
- 35.23.430 Source—[1907 c 241 § 65; RRS § 9068.]
- 35.23.440 Source—[1907 c 241 § 29; 1890 p 148 § 38; RRS § 9034.]
in subd. (31) the session law phrase “five hundred dollars or three months’ imprisonment” is restored in lieu of “one hundred dollars or thirty days’ imprisonment” which in the 1941 Code Committee re-write now appearing in RCW 35.23.440. While such restoration preserves the apparent conflict between this section and the later section relating the jurisdiction of police judges [1913 c 103 § 2; RCW 35.23.600], reconciliation appears to be beyond the scope of this reenactment project and will probably be proposed in a separate bill.
- 35.23.450 Source—[1907 c 241 § 69; RRS § 9072.]
- 35.23.460 Source—[1963 c 127 § 1; 1947 c 162 § 1; RRS § 9592-160.]
- 35.23.470 Source—[1913 c 57 § 1; RRS § 9035.]
- 35.23.480 Source—[1913 c 57 § 2, part; RRS § 9036, part.]
- 35.23.490 Source—[1913 c 57 § 2, part; RRS § 9036, part.]
- 35.23.500 Source—[1907 c 241 § 70; 1890 p 162 § 57; RRS § 9073.]
- 35.23.510 Source—[1941 c 49 § 1; 1927 c 273 § 1; 1907 c 228 § 3; Rem. Supp. 1941 § 9201.]
- 35.23.520 Source—[1907 c 241 § 33; RRS § 9040.]
Section decodified as superseded by the later comprehensive act, 1917 c 137 (chapter 35.94 RCW.)
- 35.23.530 Source—[1907 c 241 § 14; 1890 p 147 § 35; RRS § 9019.]
- 35.23.540 Source—[1907 c 241 § 71, part; RRS § 9074, part.]
- 35.23.550 Source—[1907 c 241 § 71, part; RRS § 9074, part.]
- 35.23.560 Source—[1901 c 117 § 1; RRS § 9526.]
- 35.23.570 Source—[1901 c 117 § 2; RRS § 9527.]
- 35.23.580 Source—[1901 c 117 § 3; RRS § 9528.]
- 35.23.590 Source—[1913 c 103 § 1; RRS § 9076.]
- 35.23.600 Source—[1913 c 103 § 2; RRS § 9077.]
- 35.23.610 Source—[1913 c 103 § 3; RRS § 9078.]
- 35.23.620 Source—[1913 c 103 § 4; RRS § 9079.]
- 35.23.630 Source—[1913 c 103 § 5; RRS § 9080.]
- 35.23.640 Source—[1913 c 103 § 6; RRS § 9081.]
- 35.23.650 Source—[1953 c 60 § 6; 1913 c 103 § 7; RRS § 9082.]
- 35.23.660 Source—[1913 c 103 § 8; RRS § 9083.]
- 35.23.670 Source—[1890 p 176 § 99; RRS § 9084.]
- Chapter 35.24 Third Class Cities**
- 35.24.010 Source—[1957 c 56 § 1; 1933 c 83 § 1; 1915 c 184 § 1; 1890 p 176 § 104; RRS § 9114.]
- 35.24.020 Source—[1961 c 81 § 1; 1955 c 365 § 2; 1955 c 55 § 5. Prior: (i) 1915 c 184 § 2; 1891 c 156 § 4; 1890 p 179 § 105; RRS § 9115. (ii) 1929 c 182 § 1, part; 1927 c 159 § 1; 1915 c 184 § 3, part; 1893 c 57 § 1; 1891 c 156 § 1; 1890 p 179 § 106; RRS § 9116, part. (iii) 1915 c 184 § 28; 1890 p 196 § 137; RRS § 9142.]

- 35.24.030 Source—[1915 c 184 § 9; 1890 p 181 § 111; RRS § 9122.] Explanatory
Session law language restored. note.
- 35.24.040 Source—[1941 c 57 § 1, part; 1915 c 184 § 32, part; Rem. Supp.
1941 § 9146, part.]
Repealed by 1961 c 268 § 17.
- 35.24.050 Source—[1963 c 200 § 15; 1959 c 86 § 4; 1955 c 365 § 3; 1955 c 55
§ 6. Prior: (i) 1929 c 182 § 1, part; 1927 c 159 § 1; 1915 c 184 § 3,
part; 1893 c 57 § 1; 1891 c 156 § 1; 1890 p 179 § 106; RRS § 9116,
part. (ii) 1941 c 108 § 1; 1939 c 87 § 1; Rem. Supp. 1941 §
9116-1.]
- 35.24.060 Source—[1915 c 184 § 8; 1890 p 180 § 110; RRS § 9121.]
Last sentence of RCW 35.24.260 deleted as covered by the
general election laws.
- 35.24.070 Source—[1915 c 184 § 13, part; 1890 p 182 § 115; RRS § 9126.]
“and of all election returns” deleted as canvass is now per-
formed by the county canvassing board.
- 35.24.080 Source—[1915 c 184 § 5; 1893 c 70 § 1; 1890 p 179 § 107; RRS §
9118.]
- 35.24.090 Source—[1961 c 89 § 7; 1941 c 115 § 1; 1915 c 184 § 7; 1893 c 70
§ 2; 1890 p 180 § 109; Rem. Supp. 1941 § 9120.]
- 35.24.100 Source—[(i) 1919 c 113 § 1; 1915 c 184 § 6; 1890 p 180 § 108;
RRS § 9119. (ii) 1907 c 228 § 5, part; RRS § 9203, part.]
The second sentence in the first paragraph which states “The
removal of a councilman from the ward for which he was
elected creates a vacancy in that office.” deleted as this is
part of 1915 c 184 § 14 (k), herein 35.24.290(11).
- 35.24.110 Source—[1915 c 184 § 26; 1893 c 70 § 11; 1890 p 192 § 132; RRS
§ 9140.]
- 35.24.120 Source—[1915 c 184 § 25; RRS § 9139.]
- 35.24.130 Source—[1915 c 184 § 24; 1893 c 70 § 8; 1890 p 192 § 132; RRS §
9138.]
- 35.24.140 Source—[1915 c 184 § 30; 1890 p 197 § 139; RRS § 9144.]
- 35.24.150 Reviser's cross-reference section.
- 35.24.160 Source—[1915 c 184 § 27; 1893 c 70 § 12; 1890 p 195 § 136, RRS §
9141.]
- 35.24.170 Source—[1941 c 57 § 1, part; 1915 c 184 § 32, part; 1890 p 197
§ 140; Rem. Supp. 1941 § 9146, part.]
Repealed by 1961 c 268 § 17.
- 35.24.180 Source—[1915 c 184 § 10, part; 1893 c 70 § 3; 1890 p 181 § 113;
RRS § 9123, part.]
- 35.24.190 Source—[(i) 1915 c 184 § 10, part; 1893 c 70 § 3; 1890 p 181 §
113; RRS § 9123, part. (ii) 1915 c 184 § 23; RRS § 9137.]
- 35.24.200 Source—[(i) 1915 c 184 § 13, part; 1890 p 182 § 115; RRS § 9126,
part. (ii) 1915 c 184 § 11, part; 1891 c 156 § 2; 1890 p 182 § 114;
RRS § 9124, part.]
- 35.24.210 Source—[(i) 1915 c 184 § 11, part; 1891 c 156 § 2; 1890 p 182
§ 114; RRS § 9124, part. (ii) 1915 c 184 § 12, part; 1893 c 70 § 4;
1890 p 182 § 116; RRS § 9125, part. (iii) 1915 c 184 § 18, part;
1890 p 186 § 118; RRS § 9132, part.]
This section contains part of the contents of § 12, chapter 184,
Laws of 1915 which was divided by the 1941 Code Committee
into RCW 35.24.210, 35.24.220 and 35.24.250. However, one sen-
tence of § 12 was not carried into any of these three RCW
sections. The omitted sentence of the session law section which
reads: “No ordinance shall take effect until five days from and
after the date of its publication.” is herein restored and the
phrase “unless otherwise provided in this title” is added in
view of RCW 35.33.080 Emergency expenditures—nondebatable
emergencies.

- Explanatory
note.
- 35.24.220 Source—[(i) 1915 c 184 § 18, part; 1890 p 186 § 118; RRS § 9132, part. (ii) 1915 c 184 § 12, part; 1893 c 70 § 4; 1890 p 182 § 116; RRS § 9125, part.
Section revised in accordance with AGO of Dec. 15, 1955 addressed to the State Auditor.
- 35.24.230 Source—[1915 c 184 § 20; 1890 p 187 § 122; RRS § 9134.]
- 35.24.240 Source—[1957 c 97 § 9; 1915 c 184 § 34; RRS § 9148.]
This section which saves ordinances in effect on June 10, 1915 is herein decodified.
- 35.24.250 Source—[(i) 1915 c 184 § 12, part; 1893 c 70 § 4; 1890 p 182 § 116; RRS § 9125, part. (ii) 1907 c 228 § 1, part; RRS § 9199, part.]
- 35.24.260 Source—[1915 c 184 § 19; 1890 p 186 § 119; RRS § 9133.]
- 35.24.272 Reviser's cross-reference section.
- 35.24.273 Reviser's cross-reference section.
- 35.24.274 Source—[1963 c 72 § 2.]
- 35.24.275 Source—[1963 c 72 § 1.]
- 35.24.290 Source—[1915 c 184 § 14; 1893 c 70 § 3; 1891 c 56 § 3; 1890 p 183 § 117; RRS § 9127.]
- 35.24.300 Source—[1963 c 155 § 1; 1915 c 184 § 15; RRS § 9128.]
- 35.24.305 Source—[1957 c 166 § 1.]
- 35.24.306 Source—[1963 c 131 § 1.]
- 35.24.310 Source—[1915 c 184 § 22; RRS § 9136.]
- 35.24.320 Reviser's cross-reference section.
- 35.24.330 Source—[1915 c 184 § 21; 1890 p 187 § 123; RRS § 9135.]
- 35.24.340 Source—[1915 c 186 § 3; RRS § 9153.]
- 35.24.350 Source—[1919 c 167 § 2; RRS § 9131.]
- 35.24.360 Reviser's cross-reference section.
- 35.24.370 Source—[1905 c 75 § 1, part; 1890 p 201 § 154; RRS § 9210, part.]
- 35.24.380 Source—[1915 c 184 § 33; RRS § 9147.]
- 35.24.390 Source—[1941 c 145 § 1; RRS § 9138-1.]
- 35.24.400 Source—[1941 c 145 § 2; RRS § 9138-2.]
- 35.24.410 Source—[1917 c 124 § 1, part; 1915 c 184 § 16, part; RRS § 9129, part.]
- 35.24.420 Source—[1917 c 124 § 1, part; 1915 c 184 § 16, part; RRS § 9129, part.]
- 35.24.430 Source—[1917 c 124 § 1, part; 1915 c 184 § 16, part; RRS § 9129, part.]
Portion of last sentence following "state auditor" restored to session law language.
- 35.24.440 Source—[1923 c 153 § 1; RRS § 8913-1.]
- 35.24.450 Source—[1919 c 113 § 2, part; 1915 c 184 § 29, part; 1890 p 196 § 138; RRS § 9143, part.]
- 35.24.460 Source—[1919 c 113 § 2, part; 1915 c 184 § 29, part; 1890 p 196 § 138; RRS § 9143, part.]
- 35.24.470 Source—[1919 c 113 § 2, part; 1915 c 184 § 29, part; 1890 p 196 § 138; RRS § 9143, part.]

Chapter 35.27 Towns

- 35.27.010 Source—[1890 p 198 § 142; RRS § 9163.]
- 35.27.020 Source—[1951 c 109 § 1; 1890 p 141 § 15, part; RRS § 8935, part.]
1951 c 109 § 1 repealed by 1961 c 277 § 6 and 1890 p 141 § 5 restored to original language and codified as RCW 35.21.010.
- 35.27.030 Source—[1899 c 79 § 1; RRS § 9195.]
- 35.27.040 Source—[1899 c 79 § 2; RRS § 9196.]
- 35.27.050 Source—[1899 c 79 § 3; RRS § 9197.]
- 35.27.060 Source—[1899 c 79 § 4; RRS § 9198.]
- 35.27.070 Source—[1961 c 89 § 3. Prior: (i) 1903 c 113 § 4; 1890 p 198 § 143; RRS § 9164. (ii) 1941 c 108 § 2; 1939 c 87 § 2; Rem. Supp. 1941 § 9165-1a. (iii) 1943 c 183 § 1, part; 1941 c 91 § 1, part; 1911 c 33 § 1, part; 1903 c 113 § 5, part; 1890 p 198 § 144, part; Rem. Supp. 1943 § 9165.]

- 35.27.080 Source—[1890 p 200 § 149; RRS § 9170.] Explanatory
 “or appointment” deleted in view of later enactment regarding note.
 residence of appointed officials, herein RCW 35.21.200.
- 35.27.090 Source—[1963 c 200 § 16; 1961 c 89 § 4. Prior: 1955 c 55 § 7;
 1943 c 183 § 1, part; 1941 c 91 § 1, part; 1911 c 33 § 1, part;
 1903 c 113 § 5, part; 1890 p 198, § 144, part; Rem. Supp. 1943
 § 9165, part.]
- 35.27.100 Source—[1890 p 200 § 148; RRS § 9169.]
 Last sentence of RCW 35.27.100 deleted as covered by general
 election laws.
- 35.27.110 Source—[1890 p 201 § 152, part; RRS § 9173, part.]
- 35.27.120 Source—[1890 p 199 § 145; RRS § 9166.]
- 35.27.130 Source—[1961 c 89 § 5. Prior: (i) 1941 c 115 § 2; 1890 p 200 § 147;
 Rem. Supp. 1941 § 9168. (ii) 1921 c 24 § 1, part; 1890 p 209
 § 168, part; RRS § 9187, part. (iii) 1890 p 214 § 173; RRS § 9191.
 (iv) 1943 c 183 § 1, part; 1941 c 91 § 1, part; 1911 c 33 § 1,
 part; 1903 c 113 § 5, part; 1890 p 198 § 144, part; RRS § 9165,
 part.]
- 35.27.140 Source—[(i) 1903 c 113 § 6; 1890 p 199 § 146, RRS § 9167. (ii)
 1907 c 228 § 5, part; RRS § 9203, part.]
- 35.27.150 Source—[1941 c 57 § 2; 1890 p 215 § 176; Rem. Supp. 1941 §
 9194.]
 Repealed by 1961 c 268 § 18.
- 35.27.160 Source—[1890 p 209 § 167; RRS § 9186.]
 First two sentences, presently omitted, are herewith restored.
- 35.27.170 Source—[1961 c 89 § 6. Prior: 1921 c 24 § 1, part; 1890 p 209 §
 168, part; RRS § 9187, part.]
- 35.27.180 Source—[(i) 1945 c 58 § 1; Rem. Supp. 1945 § 9177-1. (ii) 1945
 c 58 § 4, part; Rem. Supp. 1945 § 9177-4, part.]
- 35.27.190 Source—[(i) 1945 c 58 § 2; Rem. Supp. 1945 § 9177-2. (ii) 1945
 c 58 § 3; Rem. Supp. 1945 § 9177-3.]
- 35.27.200 Source—[1945 c 58 § 4, part; Rem. Supp. 1945 § 9177-4, part.]
- 35.27.210 Source—[1890 p 214 § 175; RRS § 9193.]
- 35.27.220 Source—[1890 p 210 § 170, part; RRS § 9188, part.]
- 35.27.230 Source—[1890 p 210 § 170, part; RRS § 9188, part.]
- 35.27.240 Source—[1963 c 191 § 1; 1890 p 213 § 172; RRS § 9190.]
- 35.27.250 Source—[1890 p 212 § 171; RRS § 9189.]
- 35.27.260 Reviser's cross-reference section.
- 35.27.270 Source—[(i) 1890 p 200 § 150; RRS § 9171. (ii) 1890 p 201 § 153,
 part; RRS § 9174, part.]
- 35.27.280 Source—[(i) 1890 p 201 § 151; RRS § 9172. (ii) 1890 p 201 § 152,
 part; RRS § 9173, part.]
- 35.27.290 Source—[1917 c 99 § 1, part; 1890 p 204 § 155, part; RRS § 9178,
 part.]
- 35.27.300 Source—[1917 c 99 § 1, part; 1890 p 204 § 155, part; RRS § 9178,
 part.]
- 35.27.310 Source—[1890 p 210 § 170, part; RRS § 9188, part.]
- 35.27.320 Source—[1890 p 205 § 159; RRS § 9180.]
- 35.27.330 Source—[(i) 1890 p 201 § 153, part; RRS § 9174, part. (ii) 1907
 c 228 § 1, part; RRS § 9199, part.]
- 35.27.340 Source—[(i) 1890 p 210 § 170, part; RRS § 9188, part. (ii) 1890
 p 204 § 156; RRS § 9179.]
- 35.27.350 Source—[1903 c 120 § 1; RRS § 9177.]
- 35.27.362 Reviser's cross-reference section.
- 35.27.363 Reviser's cross-reference section.
- 35.27.364 Reviser's cross-reference section.
- 35.27.370 Source—[1955 c 378 § 4; 1949 c 151 § 1; 1945 c 214 § 1; 1941
 c 74 § 1; 1927 c 207 § 1; 1925 ex.s. c 159 § 1; 1895 c 32 § 1;
 1890 p 201 § 154; Rem. Supp. 1949 § 9175.]
- 35.27.375 Reviser's cross-reference section.
- 35.27.380 Source—[1890 p 207 § 162; RRS § 9182.]
- 35.27.390 Reviser's cross-reference section.

Explanatory
note.

- 35.27.400 Source—[1961 c 58 § 1; 1899 c 103 § 1; RRS § 9176.]
- 35.27.410 Source—[1890 p 205 § 160; RRS § 9181.]
- 35.27.420 Source—[1955 c 337 § 26. Prior: (i) 1929 c 61 § 1; 1909 c 138 § 1; RRS § 11229. (ii) 1941 c 27 § 1, part; 1929 c 61 § 4, part; 1927 c 141 § 1; 1909 c 138 § 4; Rem. Supp. 1949 § 11232, part.]
- 35.27.430 Source—[1929 c 61 § 2; 1909 c 138 § 2; RRS § 11230.]
- 35.27.440 Source—[1929 c 61 § 3; 1909 c 138 § 3; RRS § 11231.]
- 35.27.450 Source—[1955 c 337 § 27. Prior: (i) 1929 c 61 § 5; RRS § 11233. (ii) 1941 c 27 § 1, part; 1929 c 61 § 4, part; 1917 c 141 § 1; 1909 c 138 § 4; Rem. Supp. 1941 § 11232, part.]
- 35.27.460 Source—[1955 c 337 § 28. Prior: 1941 c 27 § 1, part; 1929 c 61 § 4, part; 1917 c 141 § 1; 1909 c 138 § 4; Rem. Supp. 1941 § 11232, part.]
- 35.27.470 Source—[1955 c 337 § 29. Prior: 1941 c 27 § 1, part; 1929 c 61 § 4, part; 1917 c 141 § 1; 1909 c 138 § 4; Rem. Supp. 1941 § 11232, part.]
- 35.27.480 Source—[1955 c 337 § 30. Prior: 1941 c 27 § 1, part; 1929 c 61 § 4, part; 1917 c 141 § 1; 1909 c 138 § 4; Rem. Supp. 1941 § 11232, part.]
- 35.27.490 Revlser's cross-reference section.
- 35.27.500 Source—[1905 c 75 § 1, part; RRS § 9210, part.]
- 35.27.510 Source—[1939 c 96 § 1; 1929 c 98 § 1; RRS § 9185-1.]
- 35.27.520 Source—[1921 c 70 § 1, part; 1890 p 214 § 174, part; RRS § 9192, part.]
- 35.27.530 Source—[1921 c 70 § 1, part; 1890 p 214 § 174, part; RRS § 9192, part.]
- This section is discussed in notes relating to 35.23.440.
- 35.27.540 Source—[1921 c 70 § 1, part; 1890 p 214 § 174, part; RRS § 9192, part.]
- 35.27.550 Source—[1961 c 33 § 1.]
- 35.27.560 Source—[1961 c 33 § 2.]
- 35.27.570 Source—[1961 c 33 § 3.]
- 35.27.580 Source—[1961 c 33 § 4.]
- 35.27.590 Source—[1961 c 33 § 5.]
- 35.27.600 Source—[1961 c 33 § 7.]
- Formerly footnoted at 35.27.550.

Chapter 35.30 Unclassified Cities

- 35.30.010 Source—[1899 c 69 § 1; RRS § 8944.]
- 35.30.020 Source—[1899 c 69 § 2; RRS § 8945.]
- 35.30.030 Source—[1899 c 69 § 3; RRS § 8946.]
- 35.30.040 Source—[1890 p 225 § 1; RRS § 9532.]
See note at 35.22.280.
- 35.30.050 Source—[1890 p 225 § 2; RRS § 9533.]
See note at 35.22.280.
- 35.30.060 Source—[1890 p 225 § 3; RRS § 9534.]
See note at 35.22.280.

Chapter 35.31 Accident Claims and Funds

- 35.31.010 Source—[1957 c 224 § 2; 1909 c 83 § 1; RRS § 9478.]
- 35.31.020 Source—[1957 c 224 § 3; 1917 c 96 § 1; 1915 c 148 § 1; 1909 c 83 § 2; RRS § 9479.]
- 35.31.030 Source—[1909 c 83 § 3; RRS § 9480.]
- 35.31.040 Source—[1957 c 224 § 4; 1915 c 148 § 2; 1909 c 167 § 1; RRS § 9481.]
- 35.31.050 Source—[(i) 1909 c 128 § 1; RRS § 9482. (ii) 1909 c 128 § 2; RRS § 9483. (iii) 1909 c 128 § 5; RRS § 9486.]
- 35.31.060 Source—[1909 c 128 § 3; RRS § 9484.]
See notes at 35.31.050.
- 35.31.070 Source—[1909 c 128 § 4; RRS § 9485.]
See notes at 35.31.050.

Chapter 35.32 Budgets in Cities Over 300,000

Explanatory
note.

- 35.32.010 Source—[(i) 1925 ex.s. c 125 § 1, part; RRS § 9000-13, part. (ii) 1925 ex.s. c 125 § 2, part; RRS § 9000-14, part.] in subd. (6) "of the respective departments, the maintenance" restored.
- 35.32.020 Source—[(i) 1925 ex.s. c 125 § 1, part; RRS § 9000-13, part. (ii) 1925 ex.s. c 125 § 10, part; RRS § 9000-22, part.]
- 35.32.030 Source—[1925 ex.s. c 125 § 2, part; RRS § 9000-14, part.]
- 35.32.040 Source—[1925 ex.s. c 125 § 2, part; RRS § 9000-14, part.]
- 35.32.050 Source—[1925 ex.s. c 125, § 3, part; RRS § 9000-15, part.]
- 35.32.060 Source—[1925 ex.s. c 125 § 3, part; RRS § 9000-15, part.] Second sentence presently omitted from RCW, restored.
- 35.32.070 Source—[1925 ex.s. c 125 § 4, part; RRS § 9000-16, part.]
- 35.32.080 Source—[(i) 1925 ex.s. c 125 § 4, part; RRS § 9000-16, part. (ii) 1925 ex.s. c 125 § 5; RRS § 9000-17.]
- 35.32.090 Source—[1925 ex.s. c 125 § 11; RRS § 9000-23.]
- 35.32.100 Source—[(i) 1925 ex.s. c 125 § 2, part; RRS § 9000-14, part. (ii) 1949 c 118 § 1, part; 1927 c 168 § 1, part; 1925 ex.s. c 125 § 7, part; Rem. Supp. 1949 § 9000-19, part.]
- 35.32.110 Source—[1949 c 118 § 1, part; 1927 c 168 § 1, part; 1925 ex.s. c 125 § 7, part; Rem. Supp. 1949 § 9000-19, part.]
- 35.32.120 Source—[1949 c 118 § 1, part; 1927 c 168 § 1, part; 1925 ex.s. c 125 § 7, part; Rem. Supp. 1949 § 9000-19, part.]
- 35.32.130 Source—[1949 c 118 § 1, part; 1927 c 168 § 1, part; 1925 ex.s. c 125 § 7, part; Rem. Supp. 1949 § 9000-19, part.]
- 35.32.140 Source—[1925 ex.s. c 125 § 6, part; RRS § 9000-18, part.]
- 35.32.150 Source—[1925 ex.s. c 125 § 6, part; RRS § 9000-18, part.]
- 35.32.160 Source—[1927 c 168 § 2, part; 1925 ex.s. c 125 § 8, part; RRS § 9000-20, part.]
- 35.32.170 Source—[1927 c 168 § 2, part; 1925 ex.s. c 125 § 8, part; RRS § 9000-20, part.]
- 35.32.180 Source—[1925 ex.s. c 125 § 6, part; RRS § 9000-18, part.]
- 35.32.190 Source—[1925 ex.s. c 125 § 2, part; RRS § 9000-14, part.]
- 35.32.195 Source—[1951 c 80 § 1.]
- 35.32.200 Source—[1925 ex.s. c 125 § 9; RRS § 9000-21.]
- 35.32.210 Source—[(i) 1925 ex.s. c 125 § 2, part; RRS § 9000-14, part. (ii) 1925 ex.s. c 125 § 10, part; RRS § 9000-22, part. (iii) 1925 ex.s. c 125 § 12; RRS § 9000-24.]

Chapter 35.33 Budgets in Second and Third Class Cities
and First Class Cities Under 300,000

- 35.33.010 Source—[1923 c 158 § 9; RRS § 9000-9.]
- 35.33.020 Source—[1923 c 158 § 8; RRS § 9000-8.]
- 35.33.030 Source—[1923 c 158 § 1; RRS § 9000-1.]
In first sentence, "in writing" restored.
- 35.33.040 Source—[1953 c 180 § 1; 1923 c 158 § 2, part; RRS § 9000-2, part.]
- 35.33.050 Source—[(i) 1923 c 158 § 2, part; RRS § 9000-2, part. (ii) 1923 c 158 § 3, part; RRS § 9000-3, part.]
- 35.33.060 Source—[1923 c 158 § 3, part; RRS § 9000-3, part.]
- 35.33.070 Source—[1923 c 158 § 4; RRS § 9000-4.]
- 35.33.080 Source—[1961 c 166 § 1; 1955 c 337 § 32. Prior: 1923 c 158 § 6, part; RRS § 9000-6, part.]
- 35.33.090 Source—[1961 c 166 § 2; 1955 c 337 § 33. Prior: 1923 c 158 § 6, part; RRS § 9000-6, part.]
- 35.33.100 Source—[1957 c 44 § 1; 1955 c 337 § 34. Prior: 1953 c 180 § 2; 1923 c 158 § 6, part; RRS § 9000-6, part.]
- 35.33.105 Source—[1951 c 154 § 1.]
- 35.33.110 Source—[1923 c 158 § 10; RRS § 9000-10.]

Explanatory
note.

- 35.33.120 Source—[1961 c 166 § 4. Prior: 1955 c 322 § 1; 1923 c 158 § 5, part; RRS § 9000-5, part.]
In first para., next to last sentence, "except as otherwise provided in RCW 35.33.105" added to harmonize this section with 35.33.105.
- 35.33.130 Source—[1961 c 166 § 5. Prior: 1923 c 158 § 5, part; RRS § 9000-5, part.]
- 35.33.140 Source—[1923 c 158 § 7; RRS § 9000-7.]
- 35.33.150 Source—[1961 c 166 § 6; 1957 c 44 § 2; 1955 c 337 § 35. Prior: 1953 c 180 § 3; 1923 c 158 § 6, part; RRS § 9000-6, part.]
- 35.33.160 Source—[1923 c 158 § 11; RRS § 9000-11.]

Chapter 35.36 Execution of Bonds By Proxy—First Class Cities

- 35.36.010 Source—[1929 c 212 § 1; RRS § 9005-5.]
- 35.36.020 Source—[1929 c 212 § 4; RRS § 9005-8.]
- 35.36.030 Source—[1929 c 212 § 5; RRS § 9005-9.]
- 35.36.040 Source—[1929 c 212 § 6; RRS § 9005-10.]
- 35.36.050 Source—[1929 c 212 § 3; RRS § 9005-7.]
- 35.36.060 Source—[1929 c 212 § 2, part; RRS § 9005-6, part.]
- 35.36.070 Source—[1929 c 212 § 2, part; RRS § 9005-6, part.]

Chapter 35.37 Fiscal—Cities Under 20,000 and Cities Other Than
First Class—Bonds

- 35.37.010 Source—[(i) 1897 c 84 § 1; RRS § 5635. (ii) 1897 c 84 § 2; RRS § 5636. (iii) 1897 c 84 § 9; RRS § 5643. (iv) 1897 c 84 § 10, part; RRS § 5644, part.]
- 35.37.020 Source—[1897 c 84 § 10, part; RRS § 5644, part.]
- 35.37.025 Source—[1897 c 84 § 11; RRS § 5645.]
This section is presently codified as RCW 35.11.090, see notes (General Comment) for chapter 35.10 RCW.
- 35.37.027 Source—[1897 c 84 § 12; RRS § 5646.]
This section is presently codified as RCW 35.10.140, see notes (General Comment) for chapter 35.10 RCW.
- 35.37.030 Source—[(i) 1891 c 128 § 10; RRS § 9548. (ii) 1891 c 128 § 11; RRS § 9549.]
- 35.37.040 Source—[(i) 1891 c 128 § 1; RRS § 9538. (ii) 1891 c 128 § 6, part; RRS § 9544, part.]
See note at 35.22.280.
- 35.37.050 Source—[(i) 1891 c 128 § 2; RRS § 9539. (ii) 1891 c 128 § 4, part; RRS § 9542, part.]
See note at 35.22.280.
- 35.37.060 Source—[1951 c 65 § 1. Formerly: (i) 1891 c 128 § 3; RRS § 9540. (ii) 1911 c 31 § 1; RRS § 9541.]
- 35.37.070 Source—[1891 c 128 § 4, part; RRS § 9542, part.]
- 35.37.080 Source—[1891 c 128 § 5, part; RRS § 9543, part.]
- 35.37.090 Source—[(i) 1891 c 128 § 5, part; RRS § 9543, part. (ii) 1891 c 128 § 6, part; RRS § 9544, part.]
- 35.37.100 Source—[1891 c 128 § 7; RRS § 9545.]
- 35.37.110 Source—[1891 c 128 § 8; RRS § 9546.]
- 35.37.120 Source—[1891 c 128 § 9; RRS § 9547.]

Chapter 35.38 Fiscal—Depositaries

- 35.38.010 Source—[1905 c 103 § 1; RRS § 5568.]
- 35.38.020 Source—[1947 c 245 § 1; 1945 c 240 § 1; 1935 c 45 § 1; 1931 c 87 § 4; 1913 c 118 § 1; 1909 ex.s. c 10 § 1; 1905 c 103 § 2; Rem. Supp. 1947 § 5569.]
In subd. (4) "section 6(f), chapter 1, Laws of 1931;" to "RCW 54.16.070 as now or hereafter amended".
- 35.38.030 Source—[1923 c 18 § 1; 1907 c 22 § 1; RRS § 5571.]
- 35.38.040 Source—[1945 c 240 § 2; 1935 c 45 § 3; 1931 c 87 § 5; 1909 c 40 § 1; 1907 c 22 § 2; Rem. Supp. 1945 § 5572.]
Same revision as in 35.38.020.

- 35.38.050 Source—[(1) 1905 c 103 § 3; RRS § 5570. (II) 1907 c 22 § 3; Explanatory note. RRS § 5573.]
- 35.38.055 Source—[1955 c 81 § 1.]
- 35.38.060 Source—[1907 c 22 § 4; RRS § 5574.]
- 35.38.070 Source—[1945 c 70 § 1, part; 1941 c 18 § 1, part; 1929 c 186 § 1, part; Rem. Supp. 1945 § 5574-1, part.]
- 35.38.080 Source—[1929 c 186 § 3, part; RRS § 5574-3, part.]
- 35.08.090 Source—[1929 c 186 § 5, part; RRS § 5574-5, part.]
- 35.38.100 Source—[1929 c 186 § 4, part; RRS § 5574-4, part.]
- 35.38.110 Source—[1929 c 186 § 2, part; RRS § 5574-2, part.]

Chapter 35.39 Fiscal—Finance Committee—Investment of Funds

- 35.39.010 Source—[1935 c 45 § 2; RRS § 5570-1.]
- 35.39.020 Source—[1935 c 45 § 4; RRS § 5573-1.]
- 35.39.030 Source—[1943 c 92 § 1; Rem. Supp. 1943 § 5646-13.]
- 35.39.040 Source—[1961 c 212 § 1; 1951 c 275 § 1; 1943 c 92 § 2; Rem. Supp. 1943 § 5646-14.]
- 35.39.050 Source—[1943 c 92 § 3; Rem. Supp. 1943 § 5646-15.]
Presently footnoted following 35.39.030.

Chapter 35.40 Fiscal—Validation and Funding of Debts

- 35.40.010 Source—[1891 c 132 § 1; RRS § 9550.]
- 35.40.020 Source—[1891 c 132 § 2; RRS § 9551.]
- 35.40.030 Source—[1893 c 58 § 1; RRS § 9556.]
- 35.40.040 Source—[1893 c 58 § 2; RRS § 9557.]
- 35.40.050 Source—[1893 c 58 § 3; RRS § 9558.]
“this chapter” to “RCW 35.40.030 through 35.40.050” as 35.40.010 and 35.40.020 derive from a different act.

Chapter 35.41 Fiscal—Municipal Revenue Bond Act

- 35.41.010 Source—[1957 c 117 § 1.]
- 35.41.020 Source—[1957 c 117 § 2.]
Repealed by 1959 c 203 § 2.
- 35.41.030 Source—[1957 c 117 § 3.]
- 35.41.040 Source—[1957 c 117 § 4.]
- 35.41.050 Source—[1957 c 117 § 5.]
- 35.41.060 Source—[1957 c 117 § 6.]
- 35.41.070 Source—[1957 c 117 § 7.]
- 35.41.080 Source—[1959 c 203 § 1; 1957 c 117 § 8.]
- 35.41.090 Source—[1957 c 117 § 9.]
- 35.41.100 Source—[1957 c 117 § 10.]
- 35.41.900 Source—[1957 c 117 § 11.]

Chapter 35.42 Leases

- 35.42.010 Source—[1959 c 80 § 1.]
- 35.42.020 Source—[1959 c 80 § 2.]
- 35.42.030 Source—[1959 c 80 § 3.]
- 35.42.040 Source—[1959 c 80 § 4.]
- 35.42.050 Source—[1959 c 80 § 5.]
- 35.42.060 Source—[1959 c 80 § 6.]
- 35.42.070 Source—[1959 c 80 § 7.]
- 35.42.080 Source—[1959 c 80 § 8.]
- 35.42.090 Source—[1959 c 80 § 9.]
- 35.42.200 Source—[1963 c 170 § 1.]
- 35.42.210 Source—[1963 c 170 § 2.]
- 35.42.220 Source—[1963 c 170 § 3.]

Chapter 35.43 Local Improvements—Authority—Initiation of Proceedings

- 35.43.010 Source—[1925 ex.s c 117 § 2; 1911 c 98 § 68; RRS § 9421.]
- 35.43.020 Source—[1911 c 98 § 69; RRS § 9422.]

Explanatory
note.

- 35.43.030 Source—[1963 c 56 § 1. Prior: (i) 1911 c 98 § 60; 1899 c 146 § 1; RRS § 9413. (ii) 1911 c 98 § 67; RRS § 9420. (iii) 1911 c 98 § 71; RRS § 9424.]
In second paragraph “unincorporated” to “incorporated” to correct manifest error in 1963 c 56 § 1.
- 35.43.040 Source—[1959 c 75 § 1; 1957 c 144 § 2. Prior: (i) 1911 c 98 § 1; RRS § 9352. (ii) 1945 c 190 § 1, part; 1915 c 168 § 6, part; 1913 c 131 § 1, part; 1911 c 98 § 6, part; Rem. Supp. 1945 § 9357, part. (iii) 1911 c 98 § 15; RRS § 9367. (iv) 1911 c 98 § 58, part; RRS § 9411, part.]
- 35.43.045 Source—[1959 c 75 § 2.]
- 35.43.050 Source—[1957 c 144 § 14. Prior: 1947 c 155 § 1, part; 1941 c 90 § 1, part; 1915 c 168 § 2, part; 1911 c 98 § 13, part; Rem. Supp. 1947 § 9365, part.]
- 35.43.060 Source—[1911 c 98 § 64; RRS § 9417.]
“or may hereafter be” restored.
- 35.43.070 Source—[(i) 1911 c 98 § 8; RRS § 9359. (ii) 1911 c 98 § 66; RRS § 9419.]
- 35.43.075 Source—[1963 c 56 § 3.]
- 35.43.080 Source—[1957 c 144 § 15. Prior: (i) 1947 c 155 § 1, part; 1941 c 90 § 1, part; 1915 c 168 § 2, part; 1911 c 98 § 13, part; Rem. Supp. 1947 § 9365, part. (ii) 1929 c 97 § 2; 1911 c 98 § 14; RRS § 9366.]
In line 24 of RCW 35.43.080 the word “may” appears incorrectly. The word used in this place in the session law (1957 c 144 § 15) is “must”. The phrase is here corrected to read “except that the petition or resolution *must* describe it as an enlarged district . . .”.
- 35.43.090 Source—[1957 c 144 § 5. Prior: (i) 1911 c 98 § 16, part; RRS § 9368, part. (ii) 1911 c 98 § 17, part; RRS § 9369, part. (iii) 1911 c 98 § 18, part; RRS § 9370, part.]
- 35.43.100 Source—[1911 c 98 § 19; RRS § 9371.]
- 35.43.110 Source—[1957 c 144 § 3. Prior: (i) 1911 c 98 § 58, part; RRS § 9411, part. (ii) 1945 c 190 § 1, part; 1915 c 168 § 6, part; 1913 c 131 § 1, part; 1911 c 98 § 6, part; Rem. Supp. 1945 § 9357, part.]
- 35.43.120 Source—[1957 c 144 § 6. Prior: 1911 c 98 § 9, part; RRS § 9360, part.]
- 35.43.130 Source—[1957 c 144 § 7. Prior: 1953 c 26 § 1. (i) 1911 c 98 § 9, part; RRS § 9360, part. (ii) 1929 c 97 § 1, part; 1911 c 98 § 10, part; RRS § 9361, part. (iii) 1949 c 28 § 1, part; 1931 c 85 § 1, part; 1927 c 109 § 1, part; 1923 c 135 § 1, part; 1921 c 128 § 1, part; 1915 c 168 § 1, part; 1911 c 98 § 12, part; Rem. Supp. 1949 § 9363, part. (iv) 1927 c 209 § 4, part; 1923 c 141 § 4, part; RRS § 9351-4, part.]
- 35.43.140 Source—[1957 c 144 § 8. Prior: 1953 c 177 § 1. (i) 1929 c 97 § 1, part; 1911 c 98 § 10, part; RRS § 9361, part. (ii) 1911 c 98 § 16, part; RRS § 9368, part. (iii) 1911 c 98 § 17, part; RRS § 9369, part. (iv) 1911 c 98 § 18, part; RRS § 9370, part.]
- 35.43.150 Source—[1957 c 144 § 9. Prior: 1929 c 97 § 1, part; 1911 c 98 § 10, part; RRS § 9361, part.]
- 35.43.160 Source—[1957 c 144 § 10. Prior: 1953 c 26 § 2; 1927 c 209 § 4, part; 1923 c 141 § 4, part; RRS § 9351-4, part.]
- 35.43.170 Source—[1957 c 144 § 11. Prior: 1927 c 209 § 4, part; 1923 c 141 § 4, part; RRS § 9351-4, part.]
- 35.43.180 Source—[1963 c 56 § 2; 1957 c 144 § 12. Prior: 1949 c 28 § 1, part; 1931 c 85 § 1, part; 1927 c 109 § 1, part; 1923 c 135 § 1, part; 1921 c 128 § 1, part; 1915 c 168 § 1, part; 1911 c 98 § 12, part; Rem. Supp. 1949 § 9363, part.]
- 35.43.190 Source—[1911 c 98 § 59; RRS § 9412.]
- 35.43.200 Source—[1923 c 176 § 1; RRS § 9425-1.]
- 35.43.210 Source—[1923 c 176 § 2; RRS § 9425-2.]
- 35.43.220 Source—[1923 c 176 § 3; RRS § 9425-3.]
- 35.43.230 Source—[1923 c 176 § 4; RRS § 9425-4.]

Chapter 35.44 Local Improvements—Assessments and Reassessments	Explanatory note.
35.44.010 Source—[1957 c 144 § 16. Prior: 1947 c 155 § 1, part; 1941 c 90 § 1, part; 1915 c 168 § 2, part; 1911 c 98 § 13, part; Rem. Supp. 1947 § 9365, part.]	
35.44.020 Source—[1955 c 364 § 1; 1911 c 98 § 55; RRS § 9408.]	
35.44.030 Source—[1957 c 144 § 17. Prior: 1947 c 155 § 1, part; 1941 c 90 § 1, part; 1915 c 168 § 2, part; 1911 c 98 § 13, part; Rem. Supp. 1947 § 9365, part.]	
35.44.040 Source—[1957 c 144 § 18. Prior: 1947 c 155 § 1, part; 1941 c 90 § 1, part; 1915 c 168 § 2, part; 1911 c 98 § 13, part; Rem. Supp. 1947 § 9365, part.]	
35.44.045 Source—[1959 c 75 § 3.]	
35.44.050 Source—[1957 c 144 § 19. Prior: 1947 c 155 § 1, part; 1941 c 90 § 1, part; 1915 c 168 § 2, part; 1911 c 98 § 13, part; Rem. Supp. 1947 § 9365, part.]	
35.44.060 Source—[1911 c 98 § 11; RRS § 9362.]	
35.44.070 Source—[1953 c 177 § 2; 1929 c 97 § 3, part; 1911 c 98 § 21, part; RRS § 9373, part.]	
35.44.080 Source—[1929 c 97 § 3, part; 1911 c 98 § 21, part; RRS § 9373, part.]	
35.44.090 Source—[1929 c 97 § 3, part; 1911 c 98 § 21, part; RRS § 9373, part.]	
35.44.100 Source—[1929 c 97 § 3, part; 1911 c 98 § 21, part; RRS § 9373, part.]	
35.44.110 Source—[1929 c 97 § 3, part; 1911 c 98 § 21, part; RRS § 9373, part.]	
35.44.120 Source—[1929 c 97 § 3, part; 1911 c 98 § 21, part; RRS § 9373, part.]	
35.44.130 Source—[(i) 1929 c 183 § 1; 1909 c 130 § 1; RRS § 9344. (ii) 1929 c 183 § 2, part; 1909 c 130 § 2, part; RRS § 9345, part.]	
35.44.140 Source—[(i) 1905 c 29 § 1; RRS § 9340. (ii) 1907 c 61 § 1; 1905 c 29 § 2; RRS § 9341. (iii) 1929 c 139 § 2; 1905 c 29 § 4; RRS § 9343.]	
35.44.150 Source—[1915 c 134 § 1; RRS § 9364.]	
35.44.160 Source—[1911 c 98 § 56; RRS § 9409.]	
35.44.170 Source—[(i) 1929 c 204 § 1; RRS § 9343-1. (ii) 1929 c 204 § 2; RRS § 9343-2.]	
35.44.180 Source—[1929 c 97 § 4; RRS § 9373-1.]	
35.44.190 Source—[1911 c 98 § 23; RRS § 9375.]	
35.44.200 Source—[1957 c 143 § 2. Prior: 1911 c 98 § 22, part; RRS § 9374, part.]	
35.44.210 Source—[1957 c 143 § 3. Prior: 1911 c 98 § 22, part; RRS § 9374, part.]	
35.44.220 Source—[1957 c 143 § 4. Prior: 1911 c 98 § 22, part; RRS § 9374, part.]	
35.44.230 Source—[1957 c 143 § 5. Prior: 1911 c 98 § 22, part; RRS § 9374, part.]	
35.44.240 Source—[1957 c 143 § 6. Prior: 1911 c 98 § 22, part; RRS § 9374, part.]	
35.44.250 Source—[1957 c 143 § 7. Prior: 1911 c 98 § 22, part; RRS § 9374, part.]	
35.44.260 Source—[1957 c 143 § 8. Prior: 1911 c 98 § 22, part; RRS § 9374, part.]	
35.44.270 Source—[1957 c 143 § 9. Prior: 1911 c 98 § 22, part; RRS § 9374, part.]	
35.44.280 Source—[1911 c 98 § 42, part; 1893 c 96 § 3; RRS § 9395, part.]	
35.44.290 Source—[(i) 1911 c 98 § 42, part; 1893 c 96 § 3, part; RRS § 9395, part. (ii) 1911 c 98 § 43, part; 1909 c 71 § 1, part; 1893 c 95 § 2, part; RRS § 9396, part.]	
35.44.300 Source—[1911 c 98 § 43, part; 1909 c 71 § 1, part; 1893 c 95 § 2, part; RRS § 9396, part.]	

Explanatory
note.

- 35.44.310 Source—[1911 c 98 § 43, part; 1909 c 71 § 1, part; 1893 c 95 § 2, part; RRS § 9396, part.]
- 35.44.320 Source—[1911 c 98 § 43, part; 1909 c 71 § 1, part; 1893 c 95 § 2, part; RRS § 9396, part.]
- 35.44.330 Source—[1911 c 98 § 43, part; 1909 c 71 § 1, part; 1893 c 95 § 2, part; RRS § 9396, part.]
- 35.44.340 Source—[1911 c 98 § 45, part; RRS § 9398, part.]
- 35.44.350 Source—[1911 c 98 § 44; 1893 c 95 § 1; RRS § 9397.]
omitted phrase "The proceedings on appeal from any such assessment," restored.
- 35.44.360 Source—[1911 c 98 § 37, part; RRS § 9390, part.]
- 35.44.370 Source—[1911 c 98 § 37, part; RRS § 9390, part.]
- 35.44.380 Source—[1911 c 98 § 37, part; RRS § 9390, part.]
- 35.44.390 Source—[1911 c 98 § 42, part; 1893 c 96 § 3, part; RRS § 9395, part.]
- 35.44.400 Source—[1911 c 98 § 45, part; RRS § 9398, part.]

Chapter 35.45 Local Improvements—Bonds and Warrants

- 35.45.010 Source—[(i) 1911 c 98 § 46, part; 1899 c 124 § 1; RRS § 9399, part. (ii) 1917 c 139 § 1, part; 1915 c 168 § 4, part; 1911 c 98 § 47, part; 1899 c 124 § 2, part; RRS § 9400, part. (iii) 1911 c 98 § 50, part; RRS § 9403, part.]
- 35.45.020 Source—[1917 c 139 § 1, part; 1915 c 168 § 4, part; 1911 c 98 § 47, part; 1899 c 124 § 2, part; RRS § 9400, part.]
(1) in subd. (1) "or partly" restored.
(2) at end of section; "and must be sold at not less than par", presently omitted, is herewith restored.
- 35.45.030 Source—[(i) 1917 c 139 § 1, part; 1915 c 168 § 4, part; 1911 c 98 § 47, part; 1899 c 124 § 2; RRS § 9400, part. (ii) 1927 c 209 § 5, part; 1925 ex.s. c 183 § 5, part; 1923 c 141 § 5, part; RRS § 9351-5, part. (iii) 1911 c 98 § 52, part; RRS § 9405, part.]
- 35.45.040 Source—[(i) 1911 c 98 § 46, part; 1899 c 124 § 1; RRS § 9399, part. (ii) 1911 c 98 § 48; 1899 c 124 § 3; RRS § 9401.]
- 35.45.050 Source—[1911 c 98 § 54, part; RRS § 9407, part.]
- 35.45.060 Source—[1911 c 98 § 54, part; RRS § 9407, part.]
- 35.45.070 Source—[(i) 1911 c 98 § 52, part; RRS § 9405, part. (ii) 1927 c 209 § 5; 1925 ex.s. c 183 § 5; 1923 c 141 § 5, part; RRS § 9351-5, part.]
- 35.45.080 Source—[(i) 1927 c 209 § 5, part; 1925 ex.s. c 183 § 5, part; 1923 c 141 § 5, part; RRS § 9351-5, part. (ii) 1911 c 98 § 51; 1899 c 124 § 6; RRS § 9404.]
- 35.45.090 Source—[1917 c 140 § 1; 1909 c 108 § 1; RRS § 9351.]
- 35.45.100 Source—[1917 c 58 § 1; 1915 c 17 § 1; RRS § 8983.]
Recodified as 35.22.580.
- 35.45.110 Source—[1915 c 17 § 2; RRS § 8984.]
Recodified as 35.22.590.
- 35.45.120 Source—[1915 c 17 § 3; RRS § 8985.]
Recodified as 35.22.600.
- 35.45.130 Source—[1953 c 117 § 1. Prior: 1915 c 168 § 3; 1911 c 98 § 72; 1899 c 146 § 7; RRS § 9425.]
- 35.45.140 Source—[(i) 1899 c 97 § 1; RRS § 9346. (ii) 1899 c 97 § 2; RRS § 9347. (iii) 1899 c 97 § 3; RRS § 9348. (iv) 1899 c 97 § 4; RRS § 9349. (v) 1899 c 97 § 5; RRS § 9350.]
- 35.45.150 Source—[1961 c 165 § 1.]

Chapter 35.48 Local Improvements—Nonguaranteed Bonds

- 35.48.010 Source—[1961 c 46 § 1; 1943 c 244 § 2; Rem. Supp. 1943 § 9351-11.]
- 35.48.020 Source—[1961 c 46 § 2; 1943 c 244 § 3; Rem. Supp. 1943 § 9351-12.]
- 35.48.030 Source—[1943 c 244 § 4; Rem. Supp. 1943 § 9351-13.]
- 35.48.040 Source—[1943 c 244 § 5; Rem. Supp. 1943 § 9351-14.]

- 35.48.050 Source—[1961 c 46 § 3; 1943 c 244 § 6; Rem. Supp. 1943 § 9351-15.] Explanatory note.
- 35.48.060 Source—[1943 c 244 § 7; Rem. Supp. 1943 § 9351-16.]

Chapter 35.49 Local Improvements—Collection of Assessments

- 35.49.010 Source—[(i) 1911 c 98 § 28; RRS § 9380. (ii) 1911 c 98 § 50, part; RRS § 9403, part.]
In 2nd para. "all or any portion of the" restored.
- 35.49.020 Source—[1925 ex.s. c 117 § 1; 1915 c 168 § 5; 1911 c 98 § 49; 1899 c 124 § 4; RRS § 9402.]
- 35.49.030 Source—[1955 c 353 § 3. Prior: 1927 c 275 § 1, part; 1921 c 92 § 1, part; 1911 c 98 § 24, part; RRS § 9376, part.]
- 35.49.040 Source—[1911 c 98 § 50, part; RRS § 9403, part.]
- 35.49.050 Source—[1911 c 98 § 50, part; RRS § 9403, part.]
- 35.49.060 Source—[1929 c 183 § 2, part; 1909 c 130 § 2; RRS § 9345, part.]
- 35.49.070 Source—[1929 c 139, § 1; 1905 c 29 § 3; RRS § 9342.]
- 35.49.080 Source—[1929 c 204 § 3; RRS § 9343-3.]
- 35.49.090 Source—[1911 c 98 § 62; RRS § 9415.]
- 35.49.100 Source—[1911 c 98 § 65; RRS § 9418.]
- 35.49.110 Source—[1927 c 275 § 2; 1911 c 98 § 30; RRS § 9382.]
- 35.49.120 Source—[1929 c 143 § 1, part; 1925 ex.s. c 170 § 1, part; 1911 c 98 § 40, part; RRS § 9393, part.]
- 35.49.130 Source—[(i) 1911 c 98 § 63; RRS § 9416. (ii) 1929 c 143 § 1, part; 1925 ex.s. c 170 § 1, part; 1911 c 98 § 40, part; RRS § 9393, part.]
- 35.49.140 Source—[1929 c 143 § 1, part; 1925 ex.s. c 170 § 1, part; 1911 c 98 § 40, part; RRS § 9393, part.]
- 35.49.150 Source—[1929 c 143 § 1, part; 1925 ex.s. c 170 § 1, part; 1911 c 98 § 40, part; RRS § 9393, part.]
- 35.49.160 Source—[1929 c 143 § 1, part; 1925 ex.s. c 170 § 1, part; 1911 c 98 § 40, part; RRS § 9393, part.]

Chapter 35.50 Local Improvements—Foreclosure of Assessments

- 35.50.005 Source—[1955 c 343 § 1.]
- 35.50.010 Source—[1955 c 353 § 4. Prior: (i) 1911 c 98 § 20; RRS § 9372. (ii) 1927 c 275 § 1, part; 1921 c 92 § 1; 1911 c 98 § 24, part; RRS § 9376, part.]
- 35.50.020 Source—[1911 c 98 § 61; RRS § 9414.]
- 35.50.030 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.040 Source—[(i) 1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2, part; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. (ii) 1919 c 70 § 1; 1911 c 98 § 35; RRS § 9388. Prior: 1897 c 111.]
- 35.50.050 Source—[1911 c 98 § 41; RRS § 9394.]
- 35.50.060 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.070 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.080 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.090 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.100 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]

- Explanatory note.**
- 35.50.110 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.120 Source—[1953 c 134 § 1; 1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.130 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.140 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.150 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.160 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.170 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.180 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.190 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.200 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.210 Source—[(i) 1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. (ii) 1927 c 275 § 6; RRS § 9394-1. Prior: 1897 c 111.]
- 35.50.220 Source—[1933 c 9 § 2, part; RRS § 9386-1, part.]
- 35.50.230 Source—[1933 c 9 § 2, part; RRS § 9386-1, part.]
- 35.50.240 Source—[1933 c 9 § 2, part; RRS § 9386-1, part.]
- 35.50.250 Source—[1933 c 9 § 2, part; RRS § 9386-1, part.]
- 35.50.260 Source—[1933 c 9 § 2, part; RRS § 9386-1, part.]
- 35.50.270 Source—[1933 c 9 § 2, part; RRS § 9386-1, part.]
- Chapter 35.53 Local Improvements—Disposition of Property Acquired**
- 35.53.010 Source—[1933 c 107 § 1, part; 1927 c 275 § 3, part; 1911 c 98 § 31, part; RRS § 9383, part.]
- 35.53.020 Source—[1933 c 107 § 1, part; 1927 c 275 § 3, part; 1911 c 98 § 31, part; RRS § 9383, part.]
- 35.53.030 Source—[1927 c 275 § 4; 1911 c 98 § 32; RRS § 9384.]
- 35.53.040 Source—[1929 c 142 § 1, part; RRS § 9384-1, part.]
- 35.53.050 Source—[1929 c 142 § 1, part; RRS § 9384-1, part.]
- 35.53.060 Source—[1929 c 142 § 1, part; RRS § 9384-1, part.]
- 35.53.070 Source—[1929 c 142 § 1, part; RRS § 9384-1, part.]
- Chapter 35.54 Local Improvements—Guaranty Fund**
- 35.54.010 Source—[(i) 1917 c 138 § 1; RRS § 8986. (ii) 1917 c 138 § 2; RRS § 8987. (iii) 1917 c 138 § 3; RRS § 8988. (iv) 1917 c 138 § 4; RRS § 8989. (v) 1917 c 138 § 5; RRS § 8990. (vi) 1917 c 138 § 6; RRS § 8991. (vii) 1927 c 209 § 1; 1925 ex.s. c 183 § 1; 1923 c 141 § 1; RRS § 9351-1. (viii) 1927 c 209 § 2, part; 1927 ex.s. c 183 § 2, part; 1923 c 141 § 2, part; RRS § 9351-2, part.]
- 35.54.020 Source—[1933 c 109 § 1, part; 1927 c 209 § 3, part; 1925 ex.s. c 183 § 3, part; 1923 c 141 § 3, part; RRS § 9351-3, part.]
- 35.54.030 Source—[1933 c 109 § 1, part; 1927 c 209 § 3, part; 1925 ex.s. c 183 § 3, part; 1923 c 141 § 3, part; RRS § 9351-3, part.]

- 35.54.040 Source—[1933 c 109 § 1, part; 1927 c 209 § 3, part; 1925 ex.s. c 183 § 3, part; 1923 c 141 § 3, part; RRS § 9351-3, part.] Explanatory note.
- 35.54.050 Source—[1933 c 109 § 1, part; 1927 c 209 § 3, part; 1925 ex.s. c 183 § 3, part; 1923 c 141 § 3, part; RRS § 9351-3, part.]
- 35.54.060 Source—[(i) 1933 c 109 § 1, part; 1927 c 209 § 3, part; 1925 ex.s. c 183 § 3, part; 1923 c 141 § 3, part; RRS § 9351-3, part. (ii) 1927 c 209 § 2, part; 1925 ex.s. c 183 § 2, part; 1923 c 141 § 2, part; RRS § 9351-2, part.]
- 35.54.070 Source—[1933 c 109 § 1, part; 1927 c 209 § 3, part; 1925 ex.s. c 183 § 3, part; 1923 c 141 § 3, part; RRS § 9351-3, part.]
- 35.54.080 Source—[1933 c 109 § 1, part; 1927 c 209 § 3, part; 1925 ex.s. c 183 § 3, part; 1923 c 141 § 3, part; RRS § 9351-3, part.]
- 35.54.090 Source—[1933 c 109 § 1, part; 1927 c 209 § 3, part; 1925 ex.s. c 183 § 3, part; 1923 c 141 § 3, part; RRS § 9351-3, part.]

Chapter 35.55 Local Improvements—Filling Lowlands

- 35.55.010 Source—[1917 c 63 § 1; 1909 c 147 § 1; RRS § 9432.]
- 35.55.020 Source—[1909 c 147 § 2, part; RRS § 9433, part.]
- 35.55.030 Source—[1909 c 147 § 2, part; RRS § 9433, part.]
- 35.55.040 Source—[1909 c 147 § 3; RRS § 9434.]
 “consistent” to “inconsistent” at the end of the first paragraph. The 1909 printed bill and session law, RRS, Pierce and RCW all use “consistent” but it does not make sense. See parallel construction in the following chapter (RCW 35.56.050) wherein the 1913 session law uses “inconsistent”.
- 35.55.050 Source—[1909 c 147 § 4; RRS § 9435.]
- 35.55.060 Source—[1917 c 63 § 2; 1909 c 147 § 5; RRS § 9436.]
- 35.55.070 Source—[1909 c 147 § 6; RRS § 9437.]
- 35.55.080 Source—[1909 c 147 § 7; RRS § 9438.]
- 35.55.090 Source—[1909 c 147 § 8; RRS § 9439.]
- 35.55.100 Source—[1909 c 147 § 12, part; RRS § 9443, part.]
- 35.55.110 Source—[(i) 1909 c 147 § 12, part; RRS § 9443, part. (ii) 1909 c 147 § 9; RRS § 9440.]
- 35.55.120 Source—[1909 c 147 § 10, part; RRS § 9441, part.]
- 35.55.130 Source—[1909 c 147 § 10, part; RRS § 9441, part.]
 Section updated to take into account council manager and commission forms of government.
- 35.55.140 Source—[1909 c 147 § 11; RRS § 9442.]
- 35.55.150 Source—[1909 c 147 § 15; RRS § 9446.]
- 35.55.160 Source—[1909 c 147 § 13; RRS § 9444.]
- 35.55.170 Source—[1909 c 147 § 14; RRS § 9445.]
- 35.55.180 Source—[1909 c 147 § 16; RRS § 9447.]
- 35.55.190 Source—[1909 c 147 § 17; RRS § 9448.]

Chapter 35.56 Local Improvements—Filling and Draining Lowlands— Waterways

- 35.56.010 Source—[1929 c 63 § 1; 1913 c 16 § 1; RRS § 9449.]
- 35.56.020 Source—[1913 c 16 § 2, part; RRS § 9450, part.]
- 35.56.030 Source—[1913 c 16 § 2, part; RRS § 9450, part.]
- 35.56.040 Source—[1913 c 16 § 2, part; RRS § 9450, part.]
- 35.56.050 Source—[(i) 1913 c 16 § 3; RRS § 9451. (ii) 1929 c 63 § 4; 1913 c 16 § 21; RRS § 9469.]
- 35.56.060 Source—[1913 c 16 § 4; RRS § 9452.]
- 35.56.070 Source—[1913 c 16 § 5; RRS § 9453.]
- 35.56.080 Source—[1913 c 16 § 6; RRS § 9454.]
- 35.56.090 Source—[1913 c 16 § 7; RRS § 9455.]
- 35.56.100 Source—[1929 c 63 § 2; 1913 c 16 § 8; RRS § 9456.]
- 35.56.110 Source—[1929 c 63 § 3; 1913 c 16 § 12; RRS § 9460.]
- 35.56.120 Source—[1913 c 16 § 9; RRS § 9457.]
- 35.56.130 Source—[1913 c 16 § 10, part; RRS § 9458, part.]
- 35.56.140 Source—[1913 c 16 § 10, part; RRS § 9458, part.]
- 35.56.150 Source—[1913 c 16 § 11; RRS § 9459.]

Explanatory
note.

- 35.56.160 Source—[1913 c 16 § 15; RRS § 9463.]
- 35.56.170 Source—[1913 c 16 § 13; RRS § 9461.]
- 35.56.180 Source—[1913 c 16 § 14; RRS § 9462.]
- 35.56.190 Source—[1913 c 16 § 19; RRS § 9467.]
- 35.56.200 Source—[1913 c 16 § 17, part; RRS § 9465, part.]
- 35.56.210 Source—[1913 c 16 § 17, part; RRS § 9465, part.]
- 35.56.220 Source—[1913 c 16 § 17, part; RRS § 9465, part.]
- 35.56.230 Source—[1913 c 16 § 17, part; RRS § 9465, part.]
- 35.56.240 Source—[1913 c 16 § 18, part; RRS § 9466, part.]
- 35.56.250 Source—[1913 c 16 § 18, part; RRS § 9466, part.]
- 35.56.260 Source—[1913 c 16 § 18, part; RRS § 9466, part.]
- 35.56.270 Source—[1913 c 16 § 20; RRS § 9468.]
- 35.56.280 Source—[1913 c 16 § 16; RRS § 9464.]
- 35.56.290 Source—[1929 c 63 § 5; 1913 c 16 § 22; RRS § 9470.]

Chapter 35.58 Metropolitan Municipal Corporations

- 35.58.010 Source—[1957 c 213 § 1.]
- 35.58.020 Source—[1957 c 213 § 2.]
- 35.58.030 Source—[1957 c 213 § 3.]
- 35.58.040 Source—[1957 c 213 § 4.]
- 35.58.050 Source—[1957 c 213 § 5.]
- 35.58.060 Source—[1957 c 213 § 6.]
- 35.58.070 Source—[1957 c 213 § 7.]
- 35.58.080 Source—[1957 c 213 § 8.]
In last sentence "calling" to "provide for the calling" to harmonize with chapter 29.13 RCW.
- 35.58.090 Source—[1957 c 213 § 9.]
- 35.58.100 Source—[1957 c 213 § 10.]
In next to last para. "call" to "cause to be called" to harmonize with chapter 29.13 RCW.
- 35.58.110 Source—[1957 c 213 § 11.]
- 35.58.120 Source—[1957 c 213 § 12.]
- 35.58.130 Source—[1957 c 213 § 13.]
- 35.58.140 Source—[1957 c 213 § 14.]
- 35.58.150 Source—[1957 c 213 § 15.]
- 35.58.160 Source—[1957 c 213 § 16.]
- 35.58.170 Source—[1957 c 213 § 17.]
- 35.58.180 Source—[1957 c 213 § 18.]
- 35.58.190 Source—[1957 c 213 § 19.]
- 35.58.200 Source—[1957 c 213 § 20.]
- 35.58.210 Source—[1957 c 213 § 21.]
- 35.58.220 Source—[1957 c 213 § 22.]
- 35.58.230 Source—[1957 c 213 § 23.]
- 35.58.240 Source—[1957 c 213 § 24.]
- 35.58.250 Source—[1957 c 213 § 25.]
"public service commission" to "utilities and transportation commission" to reflect change of name under 1961 c 290.
- 35.58.260 Source—[1957 c 213 § 26.]
- 35.58.270 Source—[1957 c 213 § 27.]
- 35.58.280 Source—[1957 c 213 § 28.]
- 35.58.290 Source—[1957 c 213 § 29.]
- 35.58.300 Source—[1957 c 213 § 30.]
- 35.58.310 Source—[1957 c 213 § 31.]
- 35.58.320 Source—[1957 c 213 § 32.]
- 35.58.330 Source—[1957 c 213 § 33.]
- 35.58.340 Source—[1957 c 213 § 34.]
- 35.58.350 Source—[1957 c 213 § 35.]
- 35.58.360 Source—[1957 c 213 § 36.]
- 35.58.370 Source—[1957 c 213 § 37.]
- 35.58.380 Source—[1957 c 213 § 38.]
- 35.58.390 Source—[1957 c 213 § 39.]
- 35.58.400 Source—[1957 c 213 § 40.]

- 35.58.410 Source—[1957 c 213 § 41.] Explanatory
 35.58.420 Source—[1957 c 213 § 42.] note.
 35.58.430 Source—[1957 c 213 § 43.]
 35.58.440 Source—[1957 c 213 § 44.]
 35.58.450 Source—[1957 c 213 § 45.]
 35.58.460 Source—[1957 c 213 § 46.]
 35.58.470 Source—[1957 c 213 § 47.]
 35.58.480 Source—[1957 c 213 § 48.]
 35.58.490 Source—[1957 c 213 § 49.]
 35.58.500 Source—[1957 c 213 § 50.]
 35.58.510 Source—[1957 c 213 § 51.]
 35.58.520 Source—[1957 c 213 § 52.]
 35.58.530 Source—[1957 c 213 § 53.]
 35.58.540 Source—[1957 c 213 § 54.]
 In last sentence "calling" to "causing to be called" to harmonize with chapter 29.13 RCW.
 35.58.550 Source—[1957 c 213 § 55.]
 35.58.900 Source—[1957 c 213 § 56.]
 35.58.910 Source—[1957 c 213 § 57.]
 Severability, omitted in view of 35.98.030.

Chapter 35.60 World Fairs or Expositions—Participation by Municipalities

- 35.60.010 Source—[1961 c 149 § 1. Prior: 1961 c 39 § 1.]
 35.60.020 Source—[1961 c 149 § 2. Prior: 1961 c 39 § 2.]
 35.60.030 Source—[1961 c 149 § 3. Prior: 1961 c 39 § 3.]
 35.60.040 Source—[1961 c 149 § 4. Prior: 1961 c 39 § 4.]
 35.60.050 Source—[1961 c 149 § 5. Prior: 1961 c 39 § 5.]
 35.60.060 Source—[1961 c 149 § 6. Prior: 1961 c 39 § 6.]
 35.60.070 Source—[1961 c 149 § 7. Prior: 1961 c 39 § 7.]
 35.60.900 Source—[1961 c 149 § 9. Prior: 1961 c 39 § 9.]
 Severability, omitted in view of 35.98.030.

Chapter 35.61 Metropolitan Park Districts

- 35.61.010 Source—[1959 c 45 § 1; 1943 c 264 § 1; Rem. Supp. 1943 § 6741-1. Prior: 1907 c 98 § 1; RRS § 6720.]
 35.61.020 Source—[1943 c 264 § 2, part; Rem. Supp. 1943 § 6741-2, part. Prior: 1909 c 131 § 1; 1907 c 98 § 2, part; RRS § 6721, part.]
 35.61.030 Source—[1943 c 264 § 2, part; Rem. Supp. 1943 § 6741-2, part. Prior: 1909 c 131 § 1; 1907 c 98 § 2, part; RRS § 6721, part.]
 35.61.040 Source—[1943 c 264 § 3, part; Rem. Supp. 1943 § 6741-3, part. Prior: 1909 c 131 § 2; 1907 c 98 § 3, part; RRS § 6722, part.]
 35.61.050 Source—[1943 c 264 § 3, part; Rem. Supp. 1943 § 6741-3, part. Prior: 1909 c 131 § 2; 1907 c 98 § 3, part; RRS § 6722, part.]
 Triennial elections having been abolished (RCW 29.13.021, 29.13.022) this section probably requires substantive revision in this regard.
 35.61.060 Source—[1943 c 264 § 3, part; Rem. Supp. 1943 § 6741-3, part. Prior: 1909 c 131 § 2; 1907 c 98 § 3, part; RRS § 6722, part.]
 35.61.070 Source—[1943 c 264 § 3, part; Rem. Supp. 1943 § 6741-3, part. Prior: 1909 c 131 § 2; 1907 c 98 § 3, part; RRS § 6722, part.]
 35.61.080 Source—[1943 c 264 § 3, part; Rem. Supp. 1943 § 6741-3, part. Prior: 1909 c 131 § 2; 1907 c 98 § 3, part; RRS § 6722, part.]
 35.61.090 Source—[1943 c 264 § 3, part; Rem. Supp. 1943 § 6741-3, part. Prior: 1909 c 131 § 2; 1907 c 98 § 3, part; RRS § 6722, part.]
 35.61.100 Source—[1943 c 264 § 6; Rem. Supp. 1943 § 6741-6. Prior: 1927 c 268 § 1; 1907 c 98 § 6; RRS § 6725.]
 35.61.110 Source—[1943 c 264 § 7; Rem. Supp. 1943 § 6741-7. Prior: 1907 c 98 § 7; RRS § 6726.]
 35.61.120 Source—[1943 c 264 § 4, part; Rem. Supp. 1943 § 6741-4, part. Prior: 1919 c 135 § 1, part; 1907 c 98 § 4; RRS § 6723, part.]

Explanatory note.

- 35.61.130 Source—[(i) 1943 c 264 § 4, part; Rem. Supp. 1943 § 6741-4, part. Prior: 1919 c 135 § 1, part; 1907 c 98 § 4; RRS § 6723, part. (ii) 1943 c 264 § 14; Rem. Supp. 1943 § 6741-14. Prior: 1919 c 135 § 2; 1907 c 98 § 14; RRS § 6733.]
 - 35.61.132 Source—[1959 c 93 § 1.]
 - 35.61.133 Reviser's cross-reference section.
 - 35.61.140 Source—[1943 c 264 § 4, part; Rem. Supp. 1943 § 6741-4, part. Prior: 1919 c 135 § 1, part; 1907 c 98 § 4; RRS § 6723, part.]
 - 35.61.150 Source—[1943 c 264 § 3, part; Rem. Supp. 1943 § 6741-3, part. Prior: 1909 c 131 § 2; 1907 c 98 § 3, part; RRS § 6722, part.]
 - 35.61.160 Source—[1943 c 264 § 8; Rem. Supp. 1943 § 6741-8. Prior: 1907 c 98 § 8; RRS § 6727.]
 - 35.61.170 Source—[1943 c 264 § 9; Rem. Supp. 1943 § 6741-9. Prior: 1909 c 131 § 3; 1907 c 98 § 9; RRS § 6728. (ii) 1943 c 264 § 10, part; Rem. Supp. 1943 § 6741-10, part. Prior: 1909 c 131 § 4, part; 1907 c 98 § 10; RRS § 6729, part.]
 - 35.61.180 Source—[1943 c 264 § 13; Rem. Supp. 1943 § 6741-13. Prior: 1907 c 98 § 13; RRS § 6732.]
 - 35.61.190 Source—[1943 c 264 § 11; Rem. Supp. 1943 § 6741-11. Prior: 1907 c 98 § 11; RRS § 6730.]
 - 35.61.200 Source—[1943 c 264 § 12; Rem. Supp. 1943 § 6741-12. Prior: 1907 c 98 § 12; RRS § 6731.]
 - 35.61.210 Source—[1951 c 179 § 1. Prior: (i) 1943 c 264 § 10, part; Rem. Supp. 1943 § 6741-10, part; prior: 1909 c 131 § 4; 1907 c 98 § 10; RRS § 6729. (ii) 1947 c 117 § 1; 1943 c 264 § 5; Rem. Supp. 1947 § 6741-5; prior: 1925 ex.s. c 97 § 1; 1907 c 98 § 5; RRS § 6724.]
 - 35.61.220 Source—[1943 c 264 § 15; Rem. Supp. 1943 § 6741-15. Prior: 1909 c 131 § 5; 1907 c 98 § 15; RRS § 6734.]
 - 35.61.230 Source—[1943 c 264 § 16; Rem. Supp. 1943 § 6741-16. Prior: 1907 c 98 § 17; RRS § 6736.]
 - 35.61.240 Source—[1943 c 264 § 17; Rem. Supp. 1943 § 6741-17. Prior: 1907 c 98 § 18; RRS § 6737.]
 - 35.61.250 Source—[1943 c 264 § 20, part; Rem. Supp. 1943 § 6741-20, part. Prior: 1907 c 98 § 20, part; RRS § 6739, part.]
 - 35.61.260 Source—[1943 c 264 § 20, part; Rem. Supp. 1943 § 6741-20, part. Prior: 1907 c 98 § 20, part; RRS § 6739, part.]
 - 35.61.270 Source—[1943 c 264 § 20, part; Rem. Supp. 1943 § 6741-20, part. Prior: 1907 c 98 § 20, part; RRS § 6739, part.]
 - Revised to conform to the general election laws, Title 29 RCW.
 - 35.61.280 Source—[(i) 1943 c 264 § 20, part; Rem. Supp. 1943 § 6741-20, part. Prior: 1907 c 98 § 20, part; RRS § 6739, part. (ii) 1943 c 264 § 21; Rem. Supp. 1943 § 6741-21. Prior: 1907 c 98 § 21; RRS § 6740.]
 - Revised to conform to the general election laws, Title 29 RCW.
 - 35.61.290 Source—[1953 c 194 § 1. Formerly: (i) 1943 c 264 § 18; Rem. Supp. 1943 § 6741-18. Prior: 1907 c 98 § 16; RRS § 6735. (ii) 1943 c 264 § 19; Rem. Supp. 1943 § 6741-19. Prior: 1907 c 98 § 19; RRS § 6738.]
 - 35.61.300 Source—[1943 c 264 § 22; Rem. Supp. 1943 § 6741-22. Prior: 1907 c 98 § 22; RRS § 6741.]
 - 35.61.310 Source—[1953 c 269 § 1.]
 - 35.61.315 Reviser's cross-reference section.
 - 35.61.320 Source—[1959 c 45 § 2.]
 - 35.61.330 Source—[1959 c 45 § 3.]
 - 35.61.340 Source—[1959 c 45 § 4.]
- Chapter 35.62 Name—Change of**
- 35.62.010 Source—[1925 ex.s. c 146 § 1; RRS § 8891-1.]
 - 35.62.020 Source—[1925 ex.s. c 146 § 2; RRS § 8891-2.]
 - 35.62.030 Source—[1925 ex.s. c 146 § 3; RRS § 8891-3.]
 - 35.62.040 Source—[1925 ex.s. c 146 § 4; RRS § 8891-4.]
 - 35.62.050 Source—[1925 ex.s. c 146 § 5; RRS § 8891-5.]
 - 35.62.060 Source—[1925 ex.s. c 146 § 6; RRS § 8891-6.]

Chapter 35.63 Planning Commissions

Explanatory
note.

- 35.63.010 Source—[1935 c 44 § 1; RRS § 9322-1.]
 (1) Definition of "regional commission" deleted as not in session law.
 (2) The last paragraph of this RCW section provides that "State council" means the division of progress and industry development."
 It is pertinent only with respect to RCW 35.63.060 which directs planning commissions to "(4) Cooperate with other commissions, with the state council and with other public agencies of the municipality, state and United States in such planning, conservation, and development; and (5) In particular cooperate with and aid the state council within its territorial limits in the preparation of the state master plan and in advance planning of public works programs."
- The state council referred to in RCW 35.63.060 was the state planning council created by 1933 ex.s. c 54. This was abolished by 1945 c 173 and its powers and duties devolved upon the newly created Division of Progress and Industry Development of the Department of Conservation; such division was in turn abolished by 1957 c 215 creating the department of commerce and economic development by the terms of which act some of the master plan function apparently went to commerce and some apparently remain with the department of conservation even though the division of progress and industry was abolished. Since the devolution at this point is not crystal clear the definition appearing in 35.63.010 is herein deleted and 35.63.060(4) is revised by deleting "with the state council" and 35.63.060(5) is revised by substituting the word "state" for "state council".
- 35.63.020 Source—[(i) 1935 c 44 § 2, part; RRS § 9322-2, part. (ii) 1935 c 44 § 12; RRS § 9322-12.]
 "a majority of" restored.
- 35.63.030 Source—[1935 c 44 § 2, part; RRS § 9322-2, part.]
- 35.63.040 Source—[1935 c 44 § 3; RRS § 9322-3.]
 "proceedings which" restored to "meetings, resolutions, transactions, findings and determinations which record".
- 35.63.050 Source—[1935 c 44 § 4; RRS § 9322-4.]
 "authorized and established under this chapter" restored.
- 35.63.060 Source—[1935 c 44 § 10; RRS § 9322-10.]
 See notes for 35.63.010.
 "provided for in RCW 43.21.190" restored.
- 35.63.070 Source—[1957 c 130 § 1; 1935 c 44 § 11; RRS § 9322-11.]
- 35.63.080 Source—[1935 c 44 § 5; RRS § 9322-5.]
 "ordinance or resolution" restored to "general ordinances of the city or general resolution of the board,".
- 35.63.090 Source—[1935 c 44 § 7; RRS § 9322-7.]
- 35.63.100 Source—[1935 c 44 § 8; RRS § 9322-8.]
- 35.63.110 Source—[1935 c 44 § 6; RRS § 9322-6.]
- 35.63.120 Source—[1957 c 194 § 1; 1935 c 44 § 9; RRS § 9322-9.]

Chapter 35.66 Police Matrons

- 35.66.010 Source—[1893 c 15 § 1; RRS § 9282.]
- 35.66.020 Source—[1939 c 115 § 1; 1893 c 15 § 4; RRS § 9285.]
 [SLC-RO-4]
- 35.66.030 Source—[1893 c 15 § 2; RRS § 9283.]
- 35.66.040 Source—[1893 c 15 § 6; RRS § 9287.]
- 35.66.050 Source—[1893 c 15 § 3; RRS § 9284.]

Explanatory
note.

- Chapter 35.67 Sewerage Systems—Refuse Collection and Disposal**
- 35.67.010 Source—[1955 c 266 § 2. Prior: 1941 c 193 § 1, part; Rem. Supp. 1941 § 9354-4, part.]
- 35.67.020 Source—[1959 c 90 § 1; 1955 c 266 § 3. Prior: 1941 c 193 § 1, part; Rem. Supp. 1941 § 9354-4, part.]
- 35.67.030 Source—[1941 c 193 § 2; Rem. Supp. 1941 § 9354-5.]
Session law section restored.
- 35.67.040 Source—[1941 c 193 § 2, part; Rem. Supp. 1941 § 9354-5, part.]
Decodified, text restored in 35.67.030.
- 35.67.050 Source—[1941 c 193 § 2, part; Rem. Supp. 1941 § 9354-5, part.]
Decodified, text restored in 35.67.030.
- 35.67.060 Source—[1941 c 193 § 2, part; Rem. Supp. 1941 § 9354-5, part.]
Decodified, text restored in 35.67.030.
- 35.67.070 Source—[1941 c 193 § 3, part; Rem. Supp. 1941 § 9354-6, part.]
- 35.67.080 Source—[1941 c 193 § 3, part; Rem. Supp. 1941 § 9354-6, part.]
- 35.67.090 Source—[1941 c 193 § 3, part; Rem. Supp. 1941 § 9354-6, part.]
- 35.67.100 Source—[1941 c 193 § 3, part; Rem. Supp. 1941 § 9354-6, part.]
- 35.67.110 Source—[1941 c 193 § 3, part; Rem. Supp. 1941 § 9354-6, part.]
“city or town council” to “city or town legislative body”.
- 35.67.120 Source—[1941 c 193 § 4, part; Rem. Supp. 1941 § 9354-7, part.]
“city or town council” to “city or town legislative body”.
- 35.67.130 Source—[1941 c 193 § 4, part; Rem. Supp. 1941 § 9354-7, part.]
“city or town council” to “city or town legislative body”.
- 35.67.140 Source—[1941 c 193 § 4, part; Rem. Supp. 1941 § 9354-7, part.]
- 35.67.150 Source—[1941 c 193 § 4, part; Rem. Supp. 1941 § 9354-7, part.]
“engraved or lithographed” restored.
- 35.67.160 Source—[1941 c 193 § 4, part; Rem. Supp. 1941 § 9354-7, part.]
- 35.67.170 Source—[1941 c 193 § 4, part; Rem. Supp. 1941 § 9354-7, part.]
“city or town council” to “city or town legislative body”.
- 35.67.180 Source—[1941 c 193 § 4, part; Rem. Supp. 1941 § 9354-7, part.]
- 35.67.190 Source—[1959 c 90 § 2; 1941 c 193 § 5; Rem. Supp. 1941 § 9354-8.]
- 35.67.192 Source—[1955 c 266 § 4.]
- 35.67.194 Source—[1955 c 266 § 5.]
“(prior to June 8, 1955)” added to preserve time sequence.
- 35.67.200 Source—[1959 c 90 § 4. Prior: 1941 c 193 § 6, part; Rem. Supp. 1941 § 9354-9, part.]
- 35.67.210 Source—[1959 c 90 § 5. Prior: 1941 c 193 § 6, part; Rem. Supp. 1941 § 9354-9, part.]
- 35.67.220 Source—[1941 c 193 § 7, part; Rem. Supp. 1941 § 9354-10, part.]
- 35.67.230 Source—[1941 c 193 § 7, part; Rem. Supp. 1941 § 9354-10, part.]
- 35.67.240 Source—[1941 c 193 § 7, part; Rem. Supp. 1941 § 9354-10, part.]
“except as herein otherwise prescribed” restored.
- 35.67.250 Source—[1941 c 193 § 7, part; Rem. Supp. 1941 § 9354-10, part.]
- 35.67.260 Source—[1941 c 193 § 7, part; Rem. Supp. 1941 § 9354-10, part.]
- 35.67.270 Source—[1941 c 193 § 8; Rem. Supp. 1941 § 9354-11.]
(1) “city or town council” to “city or town legislative body”.
(2) “any provision of law, charter or ordinance to the contrary notwithstanding” restored.
- 35.67.280 Source—[1941 c 193 § 9; Rem. Supp. 1941 § 9354-12.]
“city or town council” to “city or town legislative body”.
- 35.67.290 Source—[1941 c 193 § 10; Rem. Supp. 1941 § 9354-13.]
- 35.67.300 Source—[1947 c 212 § 3; 1941 c 193 § 11; Rem. Supp. 1947 § 9354-14.]
- 35.67.310 Source—[1941 c 75 § 1; Rem. Supp. 1941 § 9354-19.]
- 35.67.320 Source—[1941 c 193 § 12, part; Rem. Supp. 1941 § 9354-15, part.]
“city or town council” to “city or town legislative body”.
“will be abated” restored to “may be abated”.
- 35.67.330 Source—[1941 c 193 § 12, part; Rem. Supp. 1941 § 9354-15, part.]
Session law language restored except for necessary translation of references.
- 35.67.340 Source—[1941 c 193 § 12, part; Rem. Supp. 1941 § 9354-15, part.]
- 35.67.350 Source—[1943 c 100 § 1; Rem. Supp. 1943 § 9354-20.]

**Chapter 35.68 Sidewalks, Gutters, Curbs, and Driveways—
All Cities and Towns**

**Explanatory
note.**

- 35.68.010 Source—[1949 c 177 § 1; Rem. Supp. 1949 § 9332a.]
 35.68.020 Source—[1949 c 177 § 2; Rem. Supp. 1949 § 9332b.]
 35.68.030 Source—[1949 c 177 § 3; Rem. Supp. 1949 § 9332c.]
 35.68.040 Source—[1949 c 177 § 4; Rem. Supp. 1949 § 9332d.]
 35.68.050 Source—[1949 c 177 § 5; Rem. Supp. 1949 § 9332e.]
 35.68.060 Source—[1949 c 177 § 6; Rem. Supp. 1949 § 9332f.]
 35.68.070 Source—[1949 c 177 § 7; Rem. Supp. 1949 § 9332g.]
 35.68.080 Source—[1949 c 177 § 8; Rem. Supp. 1949 § 9332h.]

**Chapter 35.69 Sidewalks—Construction, Reconstruction
In First, Second and Third Class Cities**

- 35.69.010 Source—[1927 c 203 § 1; RRS § 9332-1.]
 35.69.020 Source—[1927 c 203 § 2; RRS § 9332-2.]
 35.69.030 Source—[1927 c 203 § 3; RRS § 9332-3.]
 35.69.040 Source—[1927 c 203 § 4; RRS § 9332-4.]
 35.69.050 Source—[1927 c 203 § 5; RRS § 9332-5.]

Chapter 35.70 Sidewalks—Construction In Third Class Cities and Towns

- 35.70.010 Source—[1915 c 149 § 7; RRS § 9161.]
 Section restored to session law language.
 35.70.020 Source—[1915 c 149 § 1; RRS § 9155.]
 35.70.030 Source—[1915 c 149 § 2, part; RRS § 9156, part.]
 35.70.040 Source—[1915 c 149 § 2, part; RRS § 9156, part.]
 35.70.050 Source—[1915 c 149 § 3; RRS § 9157.]
 35.70.060 Source—[1915 c 149 § 4; RRS § 9158.]
 35.70.070 Source—[1915 c 149 § 5, part; RRS § 9159, part.]
 35.70.080 Source—[(i) 1915 c 149 § 5, part; RRS § 9159, part. (ii) 1915 c
 149 § 6, part; RRS § 9160, part.]
 35.70.090 Source—[1915 c 149 § 6, part; RRS § 9160, part.]
 35.70.100 Source—[1915 c 149 § 8; RRS § 9162.]

Chapter 35.71 Pedestrian Malls

- 35.71.010 Source—[1961 c 111 § 1.]
 35.71.020 Source—[1961 c 111 § 2.]
 35.71.030 Source—[1961 c 111 § 3.]
 35.71.040 Source—[1961 c 111 § 4.]
 35.71.050 Source—[1961 c 111 § 5.]
 35.71.060 Source—[1961 c 111 § 6.]
 35.71.070 Source—[1961 c 111 § 7.]
 35.71.080 Source—[1961 c 111 § 8.]
 35.71.090 Source—[1961 c 111 § 9.]
 35.71.100 Source—[1961 c 111 § 10.]
 35.71.110 Source—[1961 c 111 § 11.]
 35.71.120 Source—[1961 c 111 § 12.]
 35.71.130 Source—[1961 c 111 § 13.]
 35.71.140 Source—[1961 c 111 § 14.]
 Severability; deleted in view of 35.98.030.
 35.71.910 Source—[1961 c 111 § 15.]

Chapter 35.73 Street Grades—Sanitary Fills

- 35.73.010 Source—[(i) 1907 c 243 § 1; RRS § 9426. (ii) 1907 c 243 § 4; RRS
 § 9429.]
 35.73.020 Source—[1907 c 243 § 2, part; RRS § 9427, part.]
 35.73.030 Source—[1907 c 243 § 2, part; RRS § 9427, part.]
 35.73.040 Source—[1907 c 243 § 3, part; RRS § 9428, part.]
 35.73.050 Source—[1907 c 243 § 3, part; RRS § 9428, part.]
 35.73.060 Source—[1915 c 87 § 1, part; 1907 c 243 § 5, part; RRS § 9430,
 part.]

- Explanatory note. 35.73.070 Source—[1915 c 87 § 1, part; 1907 c 243 § 5, part; RRS § 9430, part.]
 35.73.080 Source—[1907 c 243 § 6; RRS § 9431.]

Chapter 35.74 Streets—Drawbridges

- 35.74.010 Source—[1890 p 54 § 1; RRS § 9323.]
 35.74.020 Source—[1890 p 54 § 2, part; RRS § 9324, part.]
 35.74.030 Source—[1890 p 54 § 2, part; RRS § 9324, part.]
 35.74.040 Source—[1890 p 55 § 5; RRS § 9327.]
 35.74.050 Source—[1890 p 55 § 6; RRS § 9328.]
 “a drawbridge as a toll bridge” restored to “toll bridges”.
 35.74.060 Source—[1890 p 55 § 3; RRS § 9325.]
 35.74.070 Source—[1890 p 55 § 4; RRS § 9326.]

Chapter 35.75 Streets—Bicycles—Paths

- 35.75.010 Source—[(i) 1899 c 31 § 1; RRS § 9204. (ii) 1899 c 31 § 2; RRS § 9205.]
 35.75.020 Source—[1899 c 31 § 3; RRS § 9206.]
 35.75.030 Source—[1899 c 31 § 4; RRS § 9207.]
 35.75.040 Source—[1899 c 31 § 5; RRS § 9208.]
 35.75.050 Source—[1899 c 31 § 6; RRS § 9209.]

Chapter 35.76 Streets—Budget and Accounting

- 35.76.010 Source—[1963 c 115 § 1.]
 35.76.020 Source—[1963 c 115 § 2.]
 35.76.030 Source—[1963 c 115 § 3.]
 35.76.040 Source—[1963 c 115 § 4.]
 35.76.050 Source—[1963 c 115 § 5.]
 35.76.060 Source—[1963 c 115 § 6.]

Chapter 35.77 Streets—Planning, Establishment, Construction, and Maintenance

- 35.77.010 Source—[1961 c 195 § 2.]
 35.77.020 Source—[1961 c 245 § 1.]
 35.77.030 Source—[1961 c 245 § 2.]
 35.77.040 Source—[1961 c 245 § 3.]

Chapter 35.78 Streets—Classification and Design Standards

- 35.78.010 Source—[1949 c 164 § 1; Rem. Supp. 1949 § 9300-1.]
 35.78.020 Source—[1949 c 164 § 2; Rem. Supp. 1949 § 9300-2.]
 35.78.030 Source—[1949 c 164 § 3; Rem. Supp. 1949 § 9300-3.]
 35.78.040 Source—[1949 c 164 § 4; Rem. Supp. 1949 § 9300-4.]

Chapter 35.79 Streets—Vacation

- 35.79.010 Source—[1957 c 156 § 2; 1901 c 84 § 1, part; RRS § 9297, part.]
 35.79.020 Source—[1957 c 156 § 3; 1901 c 84 § 1, part; RRS § 9297, part.]
 35.79.030 Source—[1957 c 156 § 4; 1949 c 14 § 1; 1901 c 84 § 2; Rem. Supp. 1949 § 9298.]
 35.79.040 Source—[1901 c 84 § 3; RRS § 9299.]
 35.79.050 Source—[1901 c 84 § 4; RRS § 9300.]

Chapter 35.80 Unit Dwellings, Buildings, and Structures

- 35.80.010 Source—[1959 c 82 § 1.]
 35.80.020 Source—[1959 c 82 § 2.]
 35.80.030 Source—[1959 c 82 § 3.]
 35.80.040 Source—[1959 c 82 § 4.]
 35.80.900 Source—[1959 c 82 § 5.]
 Severability; Deleted in view of 35.98.030.

Chapter 35.81 Urban Renewal Law

Explanatory
note.

- 35.81.010 Source—[1957 c 42 § 1.]
 35.81.020 Source—[1957 c 42 § 2.]
 35.81.030 Source—[1957 c 42 § 3.]
 35.81.040 Source—[1957 c 42 § 4.]
 35.81.050 Source—[1957 c 42 § 5.]
 35.81.060 Source—[1957 c 42 § 6.]
 35.81.070 Source—[1957 c 42 § 7.]
 35.81.080 Source—[1957 c 42 § 8.]
 35.81.090 Source—[1957 c 42 § 9.]
 35.81.100 Source—[1957 c 42 § 10.]
 35.81.110 Source—[1957 c 42 § 11.]
 35.81.115 Source—[1959 c 79 § 1.]
 35.81.120 Source—[1957 c 42 § 12.]
 35.81.130 Source—[1957 c 42 § 13.]
 35.81.140 Source—[1957 c 42 § 14.]
 35.81.150 Source—[1957 c 42 § 15.]
 35.81.160 Source—[1957 c 42 § 16.]
 35.81.170 Source—[1957 c 42 § 17.]
 35.81.180 Source—[1957 c 42 § 18.]
 35.81.900 Source—[1957 c 42 § 19.]
 Severability; Deleted in view of 35.98.030.
 35.81.910 Source—[1957 c 42 § 20.]

Chapter 35.82 Housing Authorities Law

- 35.82.010 Source—[1939 c 23 § 2; RRS § 6889-2. Formerly RCW 74.24.010.]
 “(1939)” added to preserve time sequence.
 35.82.020 Source—[1939 c 23 § 3; RRS § 6889-3. Formerly RCW 74.24.020.]
 35.82.030 Source—[1939 c 23 § 4; RRS § 6889-4. Formerly RCW 74.24.030.]
 35.82.040 Source—[1939 c 23 § 5; RRS § 6889-5. Formerly RCW 74.24.040.]
 35.82.050 Source—[1939 c 23 § 6; RRS § 6889-6. Formerly RCW 74.24.050.]
 35.82.060 Source—[1939 c 23 § 7; RRS § 6889-7. Formerly RCW 74.24.060.]
 35.82.070 Source—[1945 c 43 § 1; 1939 c 23 § 8; Rem. Supp. 1945 § 6889-8.
 Formerly RCW 74.24.070.]
 35.82.080 Source—[1939 c 23 § 9; RRS § 6889-9. Formerly RCW 74.24.080.]
 35.82.090 Source—[1939 c 23 § 10; RRS § 6889-10. Formerly RCW
 74.24.090.]
 35.82.100 Source—[1939 c 23 § 11; RRS § 6889-11. Formerly RCW
 74.24.100.]
 35.82.110 Source—[1939 c 23 § 12; RRS § 6889-12. Formerly RCW
 74.24.110.]
 35.82.120 Source—[1939 c 23 § 13; RRS § 6889-13. Formerly RCW
 74.24.120.]
 35.82.130 Source—[1939 c 23 § 14; RRS § 6889-14. Formerly RCW
 74.24.130.]
 35.82.140 Source—[1939 c 23 § 15; RRS § 6889-15. Formerly RCW
 74.24.140.]
 35.82.150 Source—[1939 c 23 § 16; RRS § 6889-16. Formerly RCW
 74.24.150.]
 35.82.160 Source—[1939 c 23 § 17; RRS § 6889-17. Formerly RCW
 74.24.160.]
 35.82.170 Source—[1939 c 23 § 18; RRS § 6889-18. Formerly RCW
 74.24.170.]
 35.82.180 Source—[1939 c 23 § 19; RRS § 6889-19. Formerly RCW
 74.24.180.]
 35.82.190 Source—[1939 c 23 § 20; RRS § 6889-20. Formerly RCW
 74.24.190.]
 35.82.200 Source—[1939 c 23 § 21; RRS § 6889-21. Formerly RCW
 74.24.200.]
 35.82.210 Source—[1939 c 23 § 22; RRS § 6889-22. Formerly RCW
 74.24.210.]

Explanatory note.

- 35.82.220 Source—[1939 c 23 § 23; RRS § 6889-23. Formerly RCW 74.24.220.]
- 35.82.230 Source—[1939 c 23 § 24; RRS § 6889-24. Formerly RCW 74.24.230.]
- 35.82.240 Source—[1941 c 69 § 1; Rem. Supp. 1941 § 6889-23a. Formerly RCW 74.24.240.]
- 35.82.250 Source—[1941 c 69 § 2; Rem. Supp. 1941 § 6889-23b. Formerly RCW 74.24.250.]
- 35.82.260 Source—[1941 c 69 § 3; Rem. Supp. 1941 § 6889-23c. Formerly RCW 74.24.260.]
- 35.82.270 Source—[1941 c 69 § 4; Rem. Supp. 1941 § 6889-23d. Formerly RCW 74.24.270.]
- 35.82.900 Source—[1939 c 23 § 1.]
Presently footnoted at 35.82.010.
- 35.82.910 Source—[1939 c 23 § 26.]
Presently footnoted at 35.82.010.

Chapter 35.83 Housing Cooperation Law

- 35.83.005 Source—[1939 c 24 § 1; RRS § 6889-31.]
- 35.83.010 Source—[1939 c 24 § 2; RRS § 6889-32. Formerly RCW 74.28.010.]
- 35.83.020 Source—[1939 c 24 § 3; RRS § 6889-33. Formerly RCW 74.28.020.]
- 35.83.030 Source—[1939 c 24 § 4; RRS § 6889-34. Formerly RCW 74.28.030.]
- 35.83.040 Source—[1939 c 24 § 5; RRS § 6889-35. Formerly RCW 74.28.040.]
- 35.83.050 Source—[1939 c 24 § 6; RRS § 6889-36. Formerly RCW 74.28.050.]
- 35.83.060 Source—[1939 c 24 § 7; RRS § 6889-37. Formerly RCW 74.28.060.]
- 35.83.070 Source—[1939 c 24 § 8; RRS § 6889-38. Formerly RCW 74.28.070.]
- 35.83.900 Source—[1939 c 24 § 9; RRS § 6889-39.]
Severability; Deleted in view of 35.98.030.

Chapter 35.84 Utility and Other Services Beyond City Limits

- 35.84.010 Source—[1933 c 51 § 1; RRS § 9209-1.]
- 35.84.020 Source—[1933 c 51 § 2; RRS § 9209-2.]
- 35.84.030 Source—[1933 c 51 § 3; RRS § 9209-3.]
Compare RCW 35.92.054 (1953 c 97 § 1; 1951 c 272 § 1.), and RCW 35.92.310 (1957 c 287 § 4).
- 35.84.040 Source—[1941 c 96 § 1; Rem. Supp. 1941 § 9213-9.]
The last sentence declaring the use of fire apparatus outside of the city limits to be a governmental function is probably affected by the recent Supreme Court decision to the effect that the political subdivisions of the state lost their immunity in tort cases when the state surrendered its immunity in the state tort claims act.
- 35.84.050 Source—[1941 c 96 § 2; Rem. Supp. 1941 § 9563-1.]
- 35.84.060 Source—[1919 c 138 § 1; 1917 c 59 § 1; RRS § 9213.]

Chapter 35.85 Viaducts, Elevated Roadways, Tunnels and Subways

- 35.85.010 Source—[1911 c 103 § 1; 1909 ex.s. c 14 § 1; RRS § 9001.]
- 35.85.020 Source—[1911 c 103 § 2; 1909 ex.s. c 14 § 2; RRS § 9002.]
- 35.85.030 Source—[1909 ex.s. c 14 § 3; RRS § 9003.]
- 35.85.040 Source—[1909 ex.s. c 14 § 4; RRS § 9004.]
- 35.85.050 Source—[1925 ex.s. c 168 § 1; RRS § 9005-1.]
- 35.85.060 Source—[1925 ex.s. c 168 § 2; RRS § 9005-2.]
- 35.85.070 Source—[1925 ex.s. c 168 § 3; RRS § 9005-3.]
- 35.85.080 Source—[(i) 1909 ex.s. c 14 § 5; RRS § 9005. (ii) 1925 ex.s. c 168 § 4; RRS § 9005-4.]

Chapter 35.86 Off-Street Parking Facilities

- 35.86.010 Source—[1961 c 186 § 1; 1959 c 302 § 1.]
- 35.86.020 Source—[1961 c 186 § 2; 1959 c 302 § 2.]
Second sentence of second paragraph deleted as duplicative of first sentence and inadvertently included in the 1959 bill.

35.86.030	Source—[1961 c 186 § 3; 1959 c 302 § 3.]	Explanatory note.
35.86.040	Source—[1959 c 302 § 4.]	
35.86.050	Source—[1959 c 302 § 5.]	
35.86.060	Source—[1959 c 302 § 6.]	
35.86.070	Source—[1959 c 302 § 7.]	
35.86.080	Source—[1961 c 186 § 4.]	
35.86.900	Source—[1959 c 302 § 8.]	
35.86.910	Severability; Deleted in view of 35.98.030. Source—[1959 c 302 § 9.]	

Chapter 35.88 Water Pollution—Protection From

35.88.010	Source—[1907 c 227 § 1, part; 1899 c 70 § 1, part; RRS § 9473, part.]
35.88.020	Source—[1907 c 227 § 1, part; 1899 c 70 § 1, part; RRS § 9473, part.]
35.88.030	Source—[1899 c 70 § 2, part; RRS § 9474, part.]
35.88.040	Source—[1899 c 70 § 2, part; RRS § 9474, part.]
35.88.050	Source—[1899 c 70 § 3; RRS § 9475.]
35.88.060	Source—[1899 c 70 § 4; RRS § 9476.]
35.88.070	Source—[1899 c 70 § 5; RRS § 9477.]
35.88.080	Source—[(i) 1941 c 186 § 1; Rem. Supp. 1941 § 9354-1. (ii) 1941 c 186 § 3; Rem. Supp. 1941 § 9354-3.] Session law language restored.
35.88.090	Source—[1941 c 186 § 2; Rem. Supp. 1941 § 9354-2.] Session law language restored.

Chapter 35.89 Water Redemption Bonds

35.89.010	Source—[(i) 1929 c 85 § 1; 1923 c 52 § 1; RRS § 9154-1. (ii) 1923 c 52 § 2, part; RRS § 9154-2, part.]
35.89.020	Source—[1923 c 52 § 2, part; RRS § 9154-2, part.]
35.89.030	Source—[1923 c 52 § 3; RRS § 9154-3.]
35.89.040	Source—[1923 c 52 § 4; RRS § 9154-4.]
35.89.050	Source—[1923 c 52 § 5; RRS § 9154-5.]
35.89.060	Source—[1923 c 52 § 8; RRS § 9154-8.]
35.89.070	Source—[1923 c 52 § 6; RRS § 9154-6.]
35.89.080	Source—[1923 c 52 § 7; RRS § 9154-7.]
35.89.090	Source—[1923 c 52 § 9; RRS § 9154-9.]
35.89.100	Source—[1923 c 52 § 10; RRS § 9154-10.]

Chapter 35.91 Municipal Water and Sewer Facilities Act

35.91.010	Source—[1959 c 261 § 1.]
35.91.020	Source—[1959 c 261 § 2.] “the effective date of this act” to “June 10, 1959”.
35.91.030	Source—[1959 c 261 § 3.]
35.91.040	Source—[1959 c 261 § 4.]
35.91.050	Source—[1959 c 261 § 5.]

Chapter 35.92 Municipal Utilities

35.92.010	Source—[1959 c 90 § 6; 1957 c 209 § 2. Prior: 1951 c 252 § 1; 1947 c 214 § 1, part; 1933 c 163 § 1, part; 1931 c 53 § 1, part; 1923 c 173 § 1, part; 1913 c 45 § 1, part; 1909 c 150 § 1, part; 1899 c 128 § 1, part; 1897 c 112 § 1, part; 1893 c 8 § 1, part; 1890 p 520 § 1, part; Rem. Supp. 1947 § 9488, part. Formerly RCW 80.40.010.]
35.92.012	Source—[1955 c 358 § 2. Formerly RCW 80.40.012.]
35.92.014	Source—[1951 c 39 § 1. Formerly RCW 80.40.014.]
35.92.015	Source—[1951 c 39 § 2. Formerly RCW 80.40.015.]
35.92.020	Source—[1959 c 90 § 7; 1957 c 288 § 3; 1957 c 209 § 3. Prior: 1947 c 214 § 1, part; 1933 c 163 § 1, part; 1931 c 53 § 1, part; 1923 c 173 § 1, part; 1913 c 45 § 1, part; 1909 c 150 § 1, part; 1899 c 128 § 1, part; 1897 c 112 § 1, part; 1893 c 8 § 1, part; 1890 p 520 § 1, part; Rem. Supp. 1947 § 9488, part. Formerly RCW 80.40.020.]

- Explanatory note.**
- 35.92.025 Source—[1959 c 90 § 8. Formerly RCW 80.40.025.]
- 35.92.030 Source—[1957 c 288 § 4; 1957 c 209 § 4. Prior: 1947 c 214 § 1, part; 1933 c 163 § 1, part; 1931 c 53 § 1, part; 1923 c 173 § 1, part; 1913 c 45 § 1, part; 1909 c 150 § 1, part; 1899 c 128 § 1, part; 1897 c 112 § 1, part; 1893 c 8 § 1, part; 1890 p 520 § 1, part; Rem. Supp. 1947 § 9488, part. Formerly RCW 80.40.030.]
- 35.92.040 Source—[1957 c 288 § 5; 1957 c 209 § 5. Prior: 1947 c 214 § 1, part; 1933 c 163 § 1, part; 1931 c 56 § 1, part; 1923 c 173 § 1, part; 1913 c 45 § 1, part; 1909 c 150 § 1, part; 1899 c 128 § 1, part; 1897 c 112 § 1, part; 1893 c 8 § 1, part; 1890 p 520 § 1, part; Rem. Supp. 1947 § 9488, part. Formerly RCW 80.40.040.]
- 35.92.050 Source—[1957 c 288 § 6; 1957 c 209 § 6. Prior: 1947 c 214 § 1, part; 1933 c 163 § 1, part; 1931 c 53 § 1, part; 1923 c 173 § 1, part; 1913 c 45 § 1, part; 1909 c 150 § 1, part; 1899 c 128 § 1, part; 1897 c 112 § 1, part; 1893 c 8 § 1, part; 1890 p 520 § 1, part; Rem. Supp. 1947 § 9488, part. Formerly RCW 80.40.050.]
- 35.92.054 Source—[1953 c 97 § 1; 1951 c 272 § 1. Formerly RCW 80.40.054.] Compare RCW 35.84.030 (1933 c 51 § 3) and RCW 35.92.310 (1957 c 287 § 4).
- 35.92.060 Source—[1957 c 288 § 7; 1957 c 209 § 7. Prior: 1947 c 214 § 1, part; 1933 c 163 § 1, part; 1931 c 53 § 1, part; 1923 c 173 § 1, part; 1913 c 45 § 1, part; 1909 c 150 § 1, part; 1899 c 128 § 1, part; 1897 c 112 § 1, part; 1893 c 8 § 1, part; 1890 p 520 § 1, part; Rem. Supp. 1947 § 9488, part. Formerly RCW 80.40.060.]
- 35.92.070 Source—[1941 c 147 § 1; 1931 c 53 § 2; 1909 c 150 § 2; 1901 c 85 § 1; 1897 c 112 § 2; 1893 c 8 § 2; 1891 c 141 § 1; 1890 p 520 § 2; Rem. Supp. 1941 § 9489. Formerly RCW 80.40.070.]
- 35.92.080 Source—[1909 c 150 § 3, part; RRS § 9490, part. Formerly RCW 80.40.080.]
- 35.92.090 Source—[1909 c 150 § 3, part; RRS § 9490, part. Formerly RCW 80.40.090.] See note at 35.22.280.
- 35.92.100 Source—[1953 c 231 § 1; 1931 c 53 § 3; 1909 c 150 § 4; RRS § 9491. Formerly RCW 80.40.100.]
- 35.92.110 Source—[1935 c 81 § 1; RRS § 9492-1. Formerly RCW 80.40.110.]
- 35.92.120 Source—[1935 c 81 § 2; RRS § 9492-2. Formerly RCW 80.40.120.]
- 35.92.130 Source—[1935 c 81 § 3; RRS § 9492-3. Formerly RCW 80.40.130.]
- 35.92.140 Source—[1935 c 81 § 4, part; RRS § 9492-4, part. Formerly RCW 80.40.140.]
- 35.92.150 Source—[1935 c 81 § 4, part; RRS § 9492-4, part. Formerly RCW 80.40.150.]
- 35.92.160 Source—[1935 c 81 § 5; RRS § 9492-5. Formerly RCW 80.40.160.]
- 35.92.170 Source—[1933 ex.s. c 17 § 1; RRS § 9502-1. Cf. 1917 c 12 § 1. Formerly RCW 80.40.170.]
- 35.92.180 Source—[1933 ex.s. c 17 § 2; RRS § 9502-2. Cf. 1917 c 12 § 1. Formerly RCW 80.40.180.]
- 35.92.190 Source—[1933 ex.s. c 17 § 2A; RRS § 9502-2A. Formerly RCW 80.40.190.]
- 35.92.200 Source—[1961 c 125 § 1; 1957 c 288 § 8; 1933 ex.s. c 17 § 3; RRS § 9502-3. Cf. 1917 c 12 § 1. Formerly RCW 80.40.200.]
- 35.92.210 Source—[1933 ex.s. c 17 § 4; RRS § 9502-4. Formerly RCW 80.40.210.] Repealed by 1957 c 288 § 9.
- 35.92.220 Source—[1915 c 112 § 1; RRS § 9495. Formerly RCW 80.40.220.] “legislative authority” to “legislative body” to conform to session law.
- 35.92.230 Source—[1915 c 112 § 2; RRS § 9496. Formerly RCW 80.40.230.]
- 35.92.240 Source—[1915 c 112 § 3; RRS § 9497. Formerly RCW 80.40.240.]
- 35.92.250 Source—[1915 c 112 § 4; RRS § 9498. Formerly RCW 80.40.250.] “legislative authority” to “legislative body” to conform to session law.

- 35.92.260 Source—[1915 c 112 § 5; RRS § 9499. Formerly RCW 80.40.260.] Explanatory
 “legislative authority” to “legislative body” to conform to note.
 session law.
- 35.92.270 Source—[1957 c 114 § 1. Formerly RCW 80.40.270.]
- 35.92.275 Reviser’s cross-reference section.
- 35.92.280 Source—[1957 c 287 § 1. Formerly RCW 80.40.280.]
- 35.92.290 Source—[1957 c 287 § 2. Formerly RCW 80.40.290.]
- 35.92.300 Source—[1957 c 287 § 3. Formerly RCW 80.40.300.]
 Compare RCW 35.84.030 (1933 c 51 § 3) and RCW 35.92.054
 (1953 c 97 § 1; 1951 c 272 § 1).
- 35.92.310 Source—[1957 c 287 § 4. Formerly RCW 80.40.310.]

Chapter 35.93 Municipal Street Railway Bonds

As the session law sources for this chapter are special in nature, the chapter is herein decodified but the session law sources are not herein repealed.

- 35.93.010 Source—[1929 c 145 § 1; RRS § 9488-4. Formerly RCW 80.44.010.]
- 35.93.020 Source—[1939 c 47 § 1; RRS § 9488-6. Formerly RCW 80.44.020.]
- 35.93.030 Source—[1939 c 47 § 2, part; RRS § 9488-7, part. Formerly RCW
 80.44.030.]
- 35.93.040 Source—[1939 c 47 § 2, part; RRS § 9488-7, part. Formerly RCW
 80.44.040.]
- 35.93.050 Source—[1939 c 47 § 2, part; RRS § 9488-7, part. Formerly RCW
 80.44.050.]
- 35.93.060 Source—[1939 c 47 § 3; RRS § 9488-8. Formerly RCW 80.44.060.]
- 35.93.070 Source—[1939 c 47 § 4; RRS § 9488-9. Formerly RCW 80.44.070.]
- 35.93.080 Source—[1939 c 47 § 5; RRS § 9488-10. Formerly RCW 80.44.080.]
- 35.93.090 Source—[1939 c 47 § 6; RRS § 9488-11. Formerly RCW 80.44.090.]
- 35.93.100 Source—[1927 c 228 § 1; RRS § 9511-1. Formerly RCW 80.44.100.]
- 35.93.110 Source—[1927 c 228 § 2; RRS § 9511-2. Formerly RCW 80.44.110.]
- 35.93.120 Source—[1927 c 228 § 3; RRS § 9511-3. Formerly RCW 80.44.120.]

Chapter 35.94 Sale or Lease of Municipal Utilities

- 35.94.010 Source—[1917 c 137 § 1; RRS § 9512. Cf. 1907 c 86 §§ 1-3; 1897
 c 106 §§ 1-4. Formerly RCW 80.48.010.]
- 35.94.020 Source—[1917 c 137 § 2; RRS § 9513. Cf. 1907 c 86 §§ 1-3; 1897
 c 106 §§ 1-4. Formerly RCW 80.48.020.]
- 35.94.030 Source—[1917 c 137 § 3; RRS § 9514. Cf. 1907 c 86 §§ 1-3; 1897
 c 106 §§ 1-4. Formerly RCW 80.48.030.]

CHAPTER 8.

[Senate Bill No. 4.]

AN ACT relating to government; enacting a title of the Revised Code of Washington to be known as Title 43—State Government—Executive; providing penalties; repealing certain acts and parts of acts; and declaring an emergency.

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

TITLE 43

STATE GOVERNMENT—EXECUTIVE

Chapter 43.01

STATE OFFICERS—GENERAL PROVISIONS

43.01.010 Terms of office. The governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, and insurance commissioner, shall hold office for the term of four years, and until their successors are elected and qualified; and the term shall commence on the Wednesday after the second Monday of January following their election.

43.01.020 Oath of office. The governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, and insurance commissioner, shall, before entering upon the duties of their respective offices, take and subscribe an oath or affirmation in substance as follows: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the state of Washington, and that I will faithfully discharge the duties of the office of (name of office) to the best of my ability.

The oath or affirmation shall be administered by one of the justices of the supreme court at the capitol. A certificate shall be affixed thereto by the person administering the oath, and the oath or affirmation so certified shall be filed in the office of the secretary of state before the officer shall be qualified to discharge any official duties: *Provided*, That the oath of the secretary of state shall be filed in the office of the state auditor.

43.01.030 Filing and printing of reports of state officers, etc. Reports required to be made by state officers, boards, commissions, regents, trustees, and institutions to the governor or the legislature,

shall be typewritten, the original of which shall be filed with the governor, or with the legislature, as the law may require, and a duplicate copy thereof shall be filed with the director of budget.

The director shall determine which reports, or what portions of any report, with the approval of the governor, shall be printed as public documents.

The governor shall determine the number of such reports to be printed for distribution.

43.01.035 Reports—Periods to be covered. All biennial reports to the legislature and the governor shall cover the period comprising the first full fiscal year of the then current biennium and the last full fiscal year of the biennium immediately preceding. All annual reports to the governor shall cover the full fiscal year immediately preceding the date of said report.

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

Each such subordinate officer and employee shall be entitled under such contract of employment to not less than one additional working day of vacation with full pay each year for satisfactorily completing the first two, three and five continuous years of employment respectively.

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

Each subordinate officer and employee of the several offices, departments and institutions of the state government shall be entitled under his contract of employment with the state government to accrue unused vacation leave not to exceed twenty-five working days. Officers and employees transferring within the several offices, departments and institutions of the state government shall be entitled to transfer such accrued vacation leave to each succeeding state office, department or institution. All vacation leave shall be taken at the time convenient to the employing office, department or institution.

43.01.041 ————Payment upon severance of employment. Officers and employees referred to in RCW 43.01.040 whose employ-

ment is terminated by their death; reduction in force; resignation dismissal, or by retirement and who have accrued vacation leave as specified in RCW 43.01.040, shall be paid therefor under their contract of employment, or their estate if they are deceased, or if the employee in case of voluntary resignation has provided adequate notice of termination.

43.01.042 ————**State institutions of higher learning.** State institutions of higher learning may prescribe such rules and regulations as they may determine governing vacation leave for academic and professional personnel.

43.01.043 ————**Rules and regulations.** The several offices, departments and institutions of the state government may prescribe supplemental rules and regulations that are not inconsistent with the provisions of RCW 43.01.040 through 43.01.043 with respect to vacation leave of subordinate officers and employees thereof.

43.01.050 **Daily remittance of moneys to treasury.** Each state officer or other person, other than county treasurer, who is authorized by law to collect or receive moneys belonging to the state or to any department or institution thereof, shall transmit to the state treasurer each day, all moneys collected by him on the preceding day, together with a statement of the source from which each item of money was derived, and shall transmit to the budget director a duplicate of such statement.

This section shall not apply to the educational institutions of the state, but each such institution shall, at the end of every three months, file with the state auditor an itemized statement showing all money received by it from sources other than state legislative appropriations, the particular source from which the same was received, the purpose for which the same, or any part thereof, has been expended, and the balance on hand.

43.01.060 **Treasurer's duty on default.** The state treasurer shall inform the governor of any failure on the part of any officer to comply with the provisions of RCW 43.01.050.

43.01.070 **Liability of officers for noncompliance.** If any officer fails to comply with the provisions of RCW 43.01.050, he shall be liable to the state upon his official bond in a sum equal to ten percent annual interest on the funds for such time as he retained them.

43.01.072 **Refund of fees or other payments collected by state.** Whenever any law which provides for the collection of fees or other payments by a state agency does not authorize the refund of erroneous or excessive payments thereof, refunds may be made or authorized by the state agency which collected the fees or pay-

ments of all such amounts received by the state agency in consequence of error, either of fact or of law as to: (1) The proper amount of such fee or payments; (2) The necessity of making or securing a permit, filing, examination or inspection; (3) The sufficiency of the credentials of an applicant; (4) The eligibility of an applicant for any other reason; (5) The necessity for the payment.

43.01.073 ————**Voucher.** Any state agency desiring to authorize such a refund shall file with the state treasurer a voucher naming the payee and giving full particulars as to the reason for the refund and the fund in the treasury to which it was credited.

43.01.074 ————**Warrant.** Payment of such refunds shall be by warrant issued by the state treasurer against the fund in the state treasury to which the erroneous or excessive payment was credited or from any other appropriation made for such refund.

43.01.075 ————**Limitation where amount is two dollars or less.** No such refund shall be authorized by a state agency where the amount is two dollars or less unless demand for the refund is made within six months from the date the erroneous or excessive payment was made.

43.01.090 **Certain departments to pay housing cost.** The director of general administration, at the close of each quarterly period ending March 31st, June 30th, September 30th, and December 31st, shall bill each office, department, and activity financed in whole or in part from funds other than the general fund, for payment of its proportion of housing cost for the preceding quarter, the amount so billed to be computed at rates established by the director of general administration for each square foot of usable floor space assigned to or occupied by it: *Provided*, That this section shall not be construed to prevent the director from allotting available unused space to governmental agencies for temporary occupancy as deemed in the public interest.

Upon receipt of such bill, each office, department, and activity so financed shall cause a warrant or check in the amount thereof to be drawn upon its operating fund, or other special or local fund within its jurisdiction, in favor of the director, by whom the same shall be deposited in the state treasury to the credit of the general fund.

“Housing cost” means the expense of operating and maintaining capitol buildings and grounds.

43.01.100 **Application forms—Employment—Licenses—Mention of race or religion prohibited.** The inclusion of any question relative to an applicant’s race or religion in any application blank or

form for employment or license required to be filled in and submitted by an applicant to any department, board, commission, officer, agent, or employee of this state or the disclosure on any license of the race or religion of the licensee is hereby prohibited.

43.01.110 Penalty for violation of RCW 43.01.100. Any person who shall violate RCW 43.01.100 shall be guilty of a misdemeanor.

Chapter 43.03

SALARIES AND EXPENSES

43.03.010 Salaries of elective state officers. The annual salaries of the following named state elected officials shall be: Governor, thirty-two thousand five hundred dollars; lieutenant governor, ten thousand dollars; secretary of state, fifteen thousand dollars; state treasurer, fifteen thousand dollars; state auditor, sixteen thousand five hundred dollars; attorney general, twenty-three thousand dollars; superintendent of public instruction, twenty-two thousand five hundred dollars; commissioner of public lands, twenty thousand dollars; state insurance commissioner, sixteen thousand five hundred dollars; members of the legislature shall receive for their services twelve hundred dollars per annum, and in addition, ten cents per mile for travel to and from legislative sessions: *Provided*, That anyone appointed to fill any vacancy that may occur in either the senate or house shall not receive any compensation for salary as herein provided until such appointee shall have qualified for office and shall have taken his oath of office at the next convening regular or special session of the legislature.

43.03.020 Expenses of lieutenant governor acting as governor. Whenever by reason of the absence from the state or the disability of the governor, the lieutenant governor is called upon temporarily to perform the duties of the office of governor, he shall be paid upon his personal voucher therefor the sum of ten dollars per day for expenses.

43.03.028 Governor's advisory committee on salaries. There is hereby created a committee to be known as the governor's advisory committee on salaries, to consist of seven members as follows: The dean of the College of Business Administration of the University of Washington; the dean of the School of Economics and Business of Washington State University; the chairman of the State Personnel Board; the president of the Association of Washington Industries; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association, and one representative from organized labor. The committee herein

created shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government who are subject to appointment by the governor, the director of game, the director of highways, the director of aeronautics, the director of parks and recreation, the director of the veterans' rehabilitation council and the statutory assistant directors of all departments the executive head of which is an individual appointed by the governor, and to recommend to the governor the salaries to be fixed for each respective position. Such recommendations shall be submitted to the governor in writing at least once in each fiscal biennium on such date as the governor may designate.

The committee shall also make a study of the duties and salaries of all state elective officials including members of the supreme and superior courts and of the members of the legislature and report to the governor and the legislative council not later than sixty days prior to the convening of each regular session of the legislature and recommend the salaries to be established for each position by the legislature.

43.03.030 Increase or reduction of appointees' compensation. (1) Wherever the compensation of any appointive state officer or employee is fixed by statute, it may be hereafter increased or decreased in the manner provided by law for the fixing of compensation of other appointive state officers or employees; but this subsection shall not apply to the heads of state departments.

(2) Wherever the compensation of any state officer appointed by the governor, or of any employee in any office or department under the control of any such officer, is fixed by statute, such compensation may hereafter, from time to time, be changed by the governor, and he shall have power to fix such compensation at any amount not to exceed the amount fixed by statute.

43.03.040 Governor may fix salaries of department heads—Maximum. The directors of the several departments and members of the several boards and commissions, who are subject to appointment by the governor, the director of game, the director of highways, the director of aeronautics, the director of parks and recreation, the director of the veterans' rehabilitation council and the statutory assistant directors of all departments the executive head of which is an individual appointed by the governor, shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor, in an amount not to exceed the recommendations of the advisory committee on salaries created in RCW 43.03.028, upon the basis of official responsibility.

43.03.050 Subsistence allowance for officials and employees. The heads of all state departments may prescribe per diem rates of allowance, not exceeding twelve dollars in lieu of subsistence and lodging in elective and appointive officials and state employees while engaged on official business away from their designated posts of duty, but within the state of Washington or an adjoining state, and not exceeding twenty dollars per day while engaged on official business elsewhere.

43.03.060 Automobile mileage allowance. Whenever it becomes necessary for an elective or appointive official or employee of the state to travel away from his designated post of duty while engaged on official business, and it is found to be more advantageous and economical to the state that he travel by a privately owned automobile rather than by a common carrier, he shall be allowed a mileage rate not to exceed eight cents a mile.

43.03.080 Minimum salaries of full time state employees. Each full time employee of the state or of any office, department, or institution thereof, who has been actually employed on a full time basis for not less than six months shall receive for his services such compensation as may be prescribed by the head of the employing office, department, or institution; but such compensation, however computed, shall be not less than one hundred seventy-five dollars a month.

Any such employee whose compensation includes subsistence and lodging shall receive, in addition to such maintenance, however computed, not less than one hundred and fourteen dollars per month.

43.03.090 Minimum salaries of part time employees. Each person employed by the state or any office, department, or institution thereof on a part time basis for such period shall receive for his services such compensation as may be prescribed by the head of the employing office, department, or institution, which shall be determined on such proportional basis as will compensate the employee for time actually spent in the performance of his duties at a rate of not less than one hundred dollars a month for full time employment.

43.03.100 Exceptions. RCW 43.03.080 and 43.03.090 shall not apply to teaching fellows, student employees, and student instructors in the state institutions of higher learning, or to student nurses, student attendants, household maids, or common farm labor in the state's educational, charitable, eleemosynary, penal, and reform institutions, or to the state military department.

43.03.110 Moving expenses of employees. Whenever it is reasonably necessary to the successful performance of the required duty

of a state office, commission, or department to transfer a deputy or other employee from one station to another within the state, thereby necessitating a change of such deputy's or employee's domicile, upon securing the approval of the director of budget, it shall be lawful for such office, commission, or department to move such deputy's or employee's household goods and effects to the new station at the expense of the state, or to defray the actual cost of such removal by common carrier, or otherwise, at the expense of the state, in which latter event reimbursement to the deputy or employee shall be upon voucher submitted by him and approved by the department head.

Chapter 43.06

GOVERNOR

43.06.010 General powers and duties. In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) He shall supervise the conduct of all executive and ministerial offices;

(2) He shall see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;

(3) He shall make the appointments and supply the vacancies mentioned in this title;

(4) He is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;

(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, he may direct the attorney general to appear on behalf of the state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;

(6) He may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;

(7) He may require the attorney general to aid any prosecuting attorney in the discharge of his duties;

(8) He may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for the apprehension of any person convicted of a felony who has escaped from the state

prison or of any person who has committed or is charged with the commission of a felony;

(9) He shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) He shall issue and transmit election proclamations as prescribed by law;

(11) He may require any officer or board to make, upon demand, special reports to him, in writing;

(12) He may control or suppress riots or unlawful strikes, or any unlawful assembly of ten or more persons, when by such riot, unlawful strike, or unlawful assembly any persons are attempting to commit a felony, or inciting others to commit such crime, or any person or persons are in imminent danger of losing either life or property. Before taking any such action, the governor shall first notify and request the local authorities to suppress such riot, unlawful strike, or unlawful assembly, and if they fail, refuse, neglect, or are unable to do so, he shall issue his proclamation commanding such persons to disperse and refrain from taking part in or encouraging or inciting such riot, unlawful strike, or unlawful assembly, and if thereafter such imminent danger still continues, the governor shall proceed to suppress it by calling into action all the force necessary to accomplish that purpose.

43.06.015 Interstate oil compact commission—Governor may join. The governor is authorized, on behalf of the state of Washington, to join the interstate oil compact commission as an associate member and to become an active member thereof if and when oil and gas are produced in Washington in commercial quantities and to attend meetings and participate in the activities carried on by said commission either in person or by a duly authorized representative.

43.06.020 Records to be kept. The governor must cause to be kept the following records:

First, a register of all pardons, commutations, executive paroles, final discharges, and restorations of citizenship made by him;

Second, an account of all his disbursements of state moneys, and of all rewards offered by him for the apprehension of criminals and persons charged with crime;

Third, a register of all appointments made by him with date of commission, name of appointee and name of predecessor, if any.

43.06.030 Appointments to senate for confirmation. On or before the last five days of each biennial session of the legislature, the governor must transmit to the senate a list of all appointments made by him, and not before communicated to the senate for confirmation.

43.06.040 Lieutenant governor acts in governor's absence. If the governor absents himself from the state, he shall, prior to his departure, notify the lieutenant governor of his proposed absence, and during such absence the lieutenant governor shall perform all the duties of the governor.

43.06.050 Powers and duties of acting governor. Every provision of law in relation to the powers and duties of the governor, and in relation to acts and duties to be performed by others towards him, extends to the person performing for the time being the duties of governor.

43.06.060 Expense of publishing proclamations. When the governor is authorized or required by law to issue a proclamation, payment for publishing it shall be made out of the state treasury.

43.06.070 Removal of appointive officers. The governor may remove from office any state officer appointed by him not liable to impeachment, for incompetency, misconduct, or malfeasance in office.

43.06.080 Statement of reasons to be filed. Whenever the governor is satisfied that any officer not liable to impeachment has been guilty of misconduct, or malfeasance in office, or is incompetent, he shall file with the secretary of state a statement showing his reasons, with his order of removal, and the secretary of state shall forthwith send a certified copy of such order of removal and statement of causes by registered mail to the last known post office address of the officer in question.

43.06.090 Filling of vacancy. At the time of making any removal from office, the governor shall appoint some proper person to fill the office, who shall forthwith demand and receive from the officer removed the papers, records, and property of the state pertaining to the office, and shall perform the duties of the office and receive the compensation thereof until his successor is appointed.

43.06.100 May sign notarial papers by proxy. The governor may designate an executive assistant on his staff who shall have authority to affix the governor's signature to the commission issued to any notary public or any other notarial paper requiring his signature. In affixing the governor's signature, the person designated may sign the governor's name either personally in writing or by facsimile reproduction, followed by the word "by" and the original signature of the person so designated. The governor's signature so affixed shall be valid for all purposes.

Chapter 43.07**SECRETARY OF STATE**

43.07.010 Official bond. The secretary of state must execute an official bond to the state in the sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office, and shall receive no pay until such bond, approved by the governor, is filed with the state auditor.

43.07.020 Assistant and deputy secretary of state. The secretary of state may have one assistant secretary of state and one deputy secretary of state each of whom shall be appointed by him in writing, and continue during his pleasure. The assistant secretary of state and deputy secretary of state shall have the power to perform any act or duty relating to the secretary of state's office, that the secretary of state has, and the secretary of state shall be responsible for the acts of said assistant and deputy.

43.07.030 General duties. The secretary of state shall:

(1) Keep a register of and attest the official acts of the governor;

(2) Affix the state seal, with his attestation, to commissions, pardons, and other public instruments to which the signature of the governor is required, and also attestations and authentications of certificates and other documents properly issued by the secretary;

(3) Record in proper books all conveyances made to the state, and all articles of incorporation, letters patent, deeds, certified copies of franchises, or other papers filed in his office;

(4) Receive and file all the official bonds of officers required to be filed with him;

(5) Take and file in his office receipts for all books distributed by him;

(6) Certify to the legislature the election returns for all officers required by the Constitution to be so certified, and certify to the governor the names of all other persons who have received at any election the highest number of votes for any office the incumbent of which is to be commissioned by the governor;

(7) Furnish, on demand, to any person paying the fees therefor, a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in his office;

(8) Present to the speaker of the house of representatives, at the beginning of each regular session of the legislature, a full account of all purchases made and expenses incurred by him on account of the state;

(9) File in his office an impression of each and every seal in use by any state officer, and furnish state officers with new seals when necessary;

(10) Keep a fee book, in which must be entered all fees charged or received by him, with the date, name of the payor, paid or unpaid, and the nature of the services in each case, which must be verified annually by his affidavit entered therein.

43.07.040 Custodian of state records. The secretary of state is charged with the custody:

- (1) Of all acts and resolutions passed by the legislature;
- (2) Of the journals of the legislature;
- (3) Of the seal of the state;
- (4) Of all books, records, deeds, parchments, maps, and papers required to be kept on deposit in his office pursuant to law;
- (5) Of the enrolled copy of the Constitution.

43.07.050 Bureau of statistics—Secretary ex officio commissioner. The secretary of state shall be ex officio commissioner of statistics. He shall establish within his office, and under his immediate supervision, a bureau to be known as the bureau of statistics, agriculture and immigration.

43.07.060 Duties of commissioner. The commissioner shall collect, assort, systematize and present in biennial reports to the legislature, statistical details classified as follows:

- (1) Agriculture;
- (2) Immigration;
- (3) Mechanical and manufacturing industries;
- (4) Mining;
- (5) Transportation on land and water;
- (6) The amount of cash capital invested in lands, buildings, machinery, materials, and means of production generally.

43.07.070 Officers to furnish data—Distribution of reports. All state officers and the assessors of the various counties of the state shall furnish, upon the written request of the commissioner, all the information possible and necessary to assist in carrying out the purposes of the bureau.

All printing required by the bureau in the discharge of its duty shall be performed by the state printer at public expense, and at the least three thousand copies of the printed biennial report shall be furnished the commissioner for free distribution to the public.

43.07.080 Preparation of report. The commissioner of statistics shall prepare for publication, from the reports of the county assessors, chambers of commerce, boards of trade and other authentic sources, a comprehensive report, setting forth the geography, to-

pography, climate, natural and artificial resources of Washington, its inland waters and adjacent seas, a knowledge of which would tend to invite industrious, enterprising, intelligent people to remove hither. It shall be the duty at all times of the bureau to promptly answer all proper inquiries relative to the state of Washington received by mail or otherwise from intending immigrants.

43.07.090 Power to obtain statistics. The commissioner shall have the power to send for persons and papers whenever in his opinion it is necessary, and he may examine witnesses under oath, being hereby qualified to administer the same in the performance of his duty, and the testimony so taken must be filed and preserved in his office. He shall have free access to all places and works of labor, and any principal, owner, operator, manager, or lessee of any mine, factory, workshop, warehouse, manufacturing or mercantile establishment, or any agent or employee of any such principal, owner, operator, manager, or lessee, who shall refuse to the commissioner or his duly authorized representative admission therein, or who shall, when requested by him, wilfully neglect or refuse to furnish him any statistics or information pertaining to his lawful duties which may be in the possession or under the control of said principal, owner, operator, lessee, manager, or agent thereof, shall be punished by a fine of not less than fifty nor more than two hundred dollars.

43.07.100 Information confidential—Penalty. No use shall be made in the report of the bureau of the names of individuals, firms, or corporations supplying the information called for by these sections, such information being deemed confidential and not for the purpose of disclosing any person's affairs; and any agent or employee of said bureau violating this provision shall upon conviction thereof be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not to exceed six months.

43.07.110 Deputy commissioner. The commissioner shall appoint a deputy commissioner, who shall act in his absence, and the deputy shall receive the sum of twelve hundred dollars per annum to be paid by the state treasurer in the same manner as other state officers are paid; the sum allowed for deputy and other incidental expenses of the bureau shall not exceed the sum of three thousand dollars any one year. The commissioner shall have authority to employ one person to act as immigration agent, which agent shall reside in such city as said commissioner may designate, and he shall be provided with such literature and incidental accessories as in his judgment may be necessary.

43.07.120 Fees. The secretary of state shall collect the fees herein prescribed for his official services:

(1) For a copy of any law, resolution, record, or other document or paper on file in his office, fifty cents per page for the first ten pages and twenty-five cents per page for each additional page;

(2) For any certificate under seal, two dollars;

(3) For filing and recording trademark, ten dollars;

(4) For each deed or patent of land issued by the governor, if for one hundred and sixty acres of land, or less, one dollar, and for each additional one hundred and sixty acres, or fraction thereof, one dollar;

(5) For recording miscellaneous records, papers, or other documents, five dollars for filing each case.

No member of the legislature, state officer, judge of the supreme court or of a superior court, shall be charged for any search relative to matters pertaining to the duties of his office; nor may he be charged for a certified copy of any law or resolution passed by the legislature relative to his official duties, if such law has not been published as a state law.

All fees herein enumerated must be collected in advance.

Chapter 43.08

STATE TREASURER

43.08.010 General duties. The state treasurer shall:

(1) Receive and keep all moneys of the state in the manner provided in RCW 43.88.160, as now or hereafter amended;

(2) Disburse the public moneys only upon warrants or checks drawn upon the treasurer in the manner provided by law;

(3) Account for moneys in the manner provided by law;

(4) Render accounts in the manner provided by law;

(5) Indorse on each warrant when required by law, the date of payment, the amount of the principal, and the interest due on that date;

(6) Report to each house of the legislature, within ten days after the commencement of each regular session, a detailed statement of the condition of the treasury, and of its operations for the preceding fiscal year;

(7) Give information, in writing, to either house of the legislature, whenever required, upon any subject connected with the treasury, or touching any duty of his office;

(8) Account for and pay over all moneys on hand to his successor in office, and deliver all books, vouchers, and effects of office to him, who shall receipt therefor;

(9) Upon payment of any warrant, or check, take upon the back thereof the indorsement of the person to whom it is paid.

43.08.020 Residence—Bond—Oath. The state treasurer shall reside and keep his office at the seat of government. Before entering upon his duties, he shall execute and deliver to the secretary of state a bond to the state in the sum of two hundred and fifty thousand dollars, to be approved by the secretary of state and one of the judges of the supreme court, conditioned to pay all moneys at such times as required by law, and for the faithful performance of all duties required of him by law. He shall take an oath of office, to be indorsed on his commission, and file a copy thereof, together with the bond, in the office of the secretary of state.

43.08.030 Seal. The treasurer shall keep a seal of office for the authentication of all papers, writings, and documents required to be certified by him.

43.08.040 Administration of oaths. The treasurer may administer all oaths required by law in matters pertaining to the duties of his office.

43.08.050 Records and accounts—Public inspection. All the books, papers, letters, and transactions pertaining to the office of treasurer shall be open for the inspection of a committee of the legislature to examine or settle all accounts, and to count all money; and to the inspection of the public generally during office hours; and when the successor of any treasurer is elected and qualified, the state auditor shall examine and settle all the accounts of the treasurer remaining unsettled, and give him a certified statement showing the balance of moneys, securities, and effects for which he is accountable, which have been delivered to his successor, and report the same to the legislature.

43.08.060 Duplicate receipts. All persons required by law to pay any moneys into the state treasury, or to transmit any public funds to the state treasurer on state accounts, shall, at the time of making such payments or transmissions, notify the budget director thereof, specifying the amount and date of such payment, and for what particular fund or account.

For all sums of money so paid the state treasurer shall forthwith give duplicate receipts under his seal of office, one of which he shall deposit with the budget director; who shall credit the payor accordingly, and charge the treasurer with the amount. The other receipt the treasurer shall transmit to the payor.

43.08.062 Warrants—Presentation—Cancellation. All warrants drawn on the state treasury shall be presented for payment within five years after the date of the issue thereof.

Should the payee or legal holder of any warrant fail to present it for payment within the time specified, the state treasurer shall enter the same as canceled on the books of his office.

Should the payee or legal owner of any canceled warrant present it for payment after the lapse of five years from the date of issue, the state treasurer may, upon proper showing by affidavit and the delivery of the canceled warrant into his possession, issue a new warrant in lieu thereof, and the state treasurer is authorized to pay the new warrant.

43.08.064 Duplicate warrants. In case of the loss or destruction of a state warrant issued by the state treasurer for the payment of any moneys out of the state treasury, the treasurer may issue a duplicate in lieu thereof, bearing the same number, class, or designation in all respects and for the same amount as the original. The issue of a duplicate warrant shall be subject to the provisions of RCW 43.08.062.

43.08.066 ————Conditions on issuance. Before a duplicate warrant is issued, the state treasurer shall require the person making application for its issue to file in his office a written affidavit specifically alleging on oath that he is the proper owner, payee, or legal representative of such owner or payee of the original warrant, giving the date of issue, the number, amount, and for what services or claim the original warrant was issued, and that the same has been lost or destroyed, and has not been paid; and to give a bond, with one or more sufficient sureties, conditioned to save the state harmless from the payment of the original warrant, and the payment of all costs and charges on account thereof.

43.08.068 Record of lost or destroyed warrants. The state treasurer shall keep a full and complete record of all warrants alleged to have been lost or destroyed, and of the issue of any duplicate therefor; and upon the issuance of any duplicate, he shall enter upon the books of his office the cancellation of the original warrant.

43.08.070 Warrants—Indorsement—Interest. Upon the presentation of any state warrant to the state treasurer, if there are no funds in the state treasury, he shall endorse on the warrant, "Not paid for want of funds," with the day and date of presentation, and the warrant shall draw legal interest from that date until paid.

43.08.080 Call of warrants. When the state treasurer has sufficient money on hand to pay warrants exceeding three thousand dollars, and the warrants are not presented for payment, he shall advertise in some weekly newspaper at the seat of government having the largest circulation in the state, for two weeks, stating the amount of money on hand, and the number of warrants he is

prepared to pay; and if such warrants are not presented for payment within ten days after the publication of the notice, the warrants shall not draw interest after that date.

43.08.090 Fiscal agent for state. The state treasurer shall be ex officio the fiscal agent of the state.

43.08.100 Duties of fiscal agent. The fiscal agent of the state shall receive all moneys due the state from any other state or from the federal government, take all necessary steps for the collection thereof, and apply the same to the funds to which they belong. He shall collect from time to time all moneys that may accrue to the state by virtue of section 13 of the enabling act, or from any other source not otherwise provided for by law.

43.08.110 Fiscal agent's receipts. The fiscal agent shall issue the necessary receipts for all moneys collected, and such receipts shall show the date when paid, the amount, from whom received, and on what account the money was collected.

One or more copies of such receipt shall be given to the persons from whom the money was received, and one copy shall be given to the budget director.

43.08.120 Assistant—Deputy—Bonds—Responsibility for acts. 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, 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 treasurer shall hold office at the pleasure of the state treasurer and 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, and shall give surety bonds in such sum as the state treasurer deems sufficient for the faithful performance of their duties, which shall be approved and filed as other state officials' bonds.

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

43.08.130 Wrongful refusal to pay warrants—Penalty. If the state treasurer wilfully refuses to pay any warrant lawfully drawn upon him or knowingly pays any warrant otherwise than as provided by law, he shall forfeit and pay fourfold the amount thereof to any

person injured thereby, to be recovered by action against the treasurer and the sureties on his official bond.

43.08.140 Embezzlement—Penalty. If any person holding the office of state treasurer fails to account for and pay over all moneys in his hands in accordance with law, or unlawfully converts to his own use in any way whatever, or uses by way of investment in any kind of property, or loans without authority of law, any portion of the public money intrusted to him for safekeeping, transfer, or disbursement, or unlawfully converts to his own use any money that comes into his hands by virtue of his office, he shall be guilty of embezzlement, and upon conviction thereof, shall be imprisoned in the penitentiary not exceeding fourteen years, and fined a sum equal to the amount embezzled.

43.08.150 Monthly financial report. On or before the tenth day after the close of each calendar month, the state treasurer shall prepare three hundred printed copies of a report as to the state of the general fund and separately as to each and every other fund under his control itemized as to:

(1) The amount in the fund at the close of business at the end of the preceding month;

(2) The amount of revenue deposited or transferred to the credit of each fund during the current month;

(3) The amount of withdrawals or transfers from each fund during the current month; and

(4) The amount on hand in each fund at the close of business at the end of the current month.

One copy of each report shall be mailed on or before the fifteenth day of the reporting month to each member of the state legislature and to each elected state officer. The remaining copies shall be distributed to those requesting them so long as the supply lasts.

43.08.160 Report to be printed. The state treasurer shall cause all such reports to be printed as other public documents are printed and the approval of no other officer of the state shall be necessary in carrying out the purposes of RCW 43.08.150.

Chapter 43.09

STATE AUDITOR

GENERALLY

43.09.010 Residence—Office — Bond—Oath. The state auditor shall reside and keep his office at the seat of government. Before entering upon his duties he shall execute and deliver to the secretary of state a bond to the state in the sum of fifty thousand dollars,

to be approved by the governor, conditioned for the faithful performance of all duties required of him by law. He shall take an oath of office before any person authorized to administer oaths, and file a copy thereof, together with his bond, in the office of the secretary of state.

43.09.020 Auditor of public accounts—Books and records open to public. The auditor shall be auditor of public accounts, and shall have such powers and perform such duties in connection therewith as may be prescribed by law.

All books, papers, letters, and transactions pertaining to the office of state auditor shall be open to the inspection of the public generally during office hours.

43.09.030 Assistant—Powers—Bond—Oath. The state auditor may appoint an assistant state auditor, who may perform any act or duty of the state auditor, and in case of a vacancy in the office of state auditor, he shall perform the duties of the office until the vacancy is filled as provided by law.

The assistant state auditor shall subscribe to and file the oath of office provided by law for other state officers before entering upon the performance of his duties.

The state auditor shall be liable under his official bond for all the official acts of the assistant state auditor, and may revoke such appointment at his pleasure, and may require such assistant to furnish a bond in such sum as the auditor may determine, which shall be made, approved and filed as other state officials' bonds. The assistant state auditor shall be liable on such bond for any malfeasance or misfeasance in his office.

In case action is brought against the state auditor for the official acts of the assistant state auditor, the auditor shall be subrogated to the rights of the state on the bond of the assistant state auditor, and may maintain action thereon.

43.09.040 Deputy—Oath. The state auditor may appoint such deputies as he shall deem necessary, who, before entering upon their duties, shall take and subscribe an oath faithfully to perform the duties of such office, which oath shall be endorsed on the appointment and filed in the office of the secretary of state. The appointment may be revoked at the pleasure of the state auditor. The state auditor shall be liable on his official bond for all official acts of his deputies. Deputies shall be paid such salaries as the state auditor may determine.

43.09.050 General duties of auditor. The auditor shall:

(1) Audit, adjust, and settle all claims against the state, payable out of the treasury, except such as are expressly required by law to be audited and settled by other persons;

(2) Audit, settle, and adjust the accounts of all collectors of the revenue and other holders of public money required by law to pay the same into the treasury;

(3) In his discretion, inspect the books of any person charged with the receipt, safekeeping, and disbursement of public moneys;

(4) Direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection, and payment of the revenue, against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the state;

(5) Give information in writing to the legislature, whenever required, upon any subject relating to the financial affairs of the state, or touching any duties of his office;

(6) Require all persons who have received any moneys belonging to the state, and have not accounted therefor, to settle their accounts and make payment thereof;

(7) In his discretion, require any person presenting an account for settlement to be sworn before him, and to answer, orally or in writing, as to any facts relating to it;

(8) Authenticate with his official seal papers issued from his office;

(9) Make his official report biennially, on or before the 31st of December, in each year, preceding the meeting of the legislature.

43.09.090 Advances. If any officer or department of the state files with the auditor a surety company bond satisfactory to the auditor, and conditioned for the proper accounting for, and legal expenditure of, any moneys to be advanced, the treasurer may from time to time advance to such officer or department, out of the appropriation for the expenses of such officer or department, such amounts as he deems advisable, not exceeding the principal of such bond, and in no event exceeding two thousand dollars: *Provided*, That the advances by the state treasurer to the state penitentiary and state reformatory to be expended by the superintendents to supply the needs of inmates who are released from custody, as provided by law, shall be in amounts not to exceed five thousand dollars.

43.09.160 Claims against state—Time for presenting—Setoff in actions by state. All persons having claims against the state shall exhibit the same, with the evidence in support thereof, to the auditor, to be audited, settled, and allowed, within two years after the claims accrued, and not afterwards. In all actions brought in behalf of the state, no debt or claim shall be allowed against the state as a setoff, but such as has been exhibited to the auditor, and by him allowed or disallowed, except only in cases where it is proved to

the satisfaction of the court that the defendant at the time of trial is in possession of vouchers which he could not produce to the auditor, or that he was prevented from exhibiting the claim to the auditor by absence from the state, sickness, or unavoidable accident.

43.09.170 May administer oaths. The auditor may administer all oaths required by law in matters pertaining to the duties of his office.

43.09.180 Seal—Copies of documents as evidence. The auditor shall keep a seal of office for the identification of all papers, writings, and documents required by law to be certified by him, and copies authenticated and certified of all papers and documents lawfully deposited in his office shall be received in evidence with the same effect as the originals.

MUNICIPAL CORPORATIONS

43.09.190 Division of municipal corporations. There shall be in the office of the state auditor a division to be known as the division of municipal corporations, the principal officer of which shall be the state auditor. He may appoint and deputize an assistant to be known as chief examiner to have charge of the division, subject to the supervision and control of the state auditor.

43.09.200 Uniform system of accounting. The state auditor, through such division, shall formulate, prescribe, and install a system of accounting and reporting, which shall be uniform for every public institution, and every public office, and every public account of the same class.

The system shall exhibit true accounts and detailed statements of funds collected, received, and expended for account of the public for any purpose whatever, and by all public officers, employees, or other persons.

The accounts shall show the receipt, use, and disposition of all public property, and the income, if any, derived therefrom; all sources of public income, and the amounts due and received from each source; all receipts, vouchers, and other documents kept, or required to be kept, necessary to isolate and prove the validity of every transaction; all statements and reports made or required to be made, for the internal administration of the office to which they pertain; and all reports published or required to be published, for the information of the people regarding any and all details of the financial administration of public affairs.

43.09.210 Separate accounts for each fund or activity. Separate accounts shall be kept for every appropriation or fund of a taxing or legislative body showing date and manner of each payment made

therefrom, the name, address, and vocation of each person, organization, corporation, or association to whom paid, and for what purpose paid.

Separate accounts shall be kept for each department, public improvement, undertaking, institution, and public service industry under the jurisdiction of every taxing body.

All service rendered by, or property transferred from, one department, public improvement, undertaking, institution, or public service industry to another, shall be paid for at its true and full value by the department, public improvement, undertaking, institution, or public service industry receiving the same, and no department, public improvement, undertaking, institution, or public service industry shall benefit in any financial manner whatever by an appropriation or fund made for the support of another.

All unexpended balances of appropriations shall be transferred to the fund from which appropriated, whenever the account with an appropriation is closed.

43.09.220 Separate accounts for public service industries. Separate accounts shall be kept for every public service industry, which shall show the true and entire cost of the ownership and operation thereof, the amount collected annually by general or special taxation for service rendered to the public, and the amount and character of the service rendered therefor, and the amount collected annually from private users for service rendered to them, and the amount and character of the service rendered therefor.

43.09.230 Annual reports—Comparative statistics. The state auditor shall require from every taxing district, and public institution, financial reports covering the full period of each fiscal year, in accordance with the forms and methods prescribed by him, which shall be uniform for all accounts of the same class.

Such reports shall be prepared, certified, and filed with the division within thirty days after the close of each fiscal year, by the auditing department of the taxing district or public institution.

The reports shall contain accurate statements, in summarized form, of all collections made, or receipts received, by the officers from all sources; all accounts due the public treasury, but not collected; and all expenditures for every purpose, and by what authority authorized; and also: (1) A statement of all costs of ownership and operation, and of all income, of each and every public service industry owned and operated by a municipality; (2) a statement of the entire public debt of every taxing district, to which power has been delegated by the state to create a public debt, showing the purpose for which each item of the debt was created, and the provisions made for the payment thereof; (3) a classified

statement of all receipts and expenditures by any public institution; together with such other information as may be required by the state auditor.

The reports shall be certified as to their correctness by the state auditor, his deputies, or other person legally authorized to make such certificate.

Their substance shall be published in an annual volume of comparative statistics, which shall be issued for each class of accounts, at the expense of the state, as a public document, and shall be submitted by the state auditor to the governor for transmittal to the legislature at the next regular session, or at a special session when required.

43.09.240 Public officers and employees—Duty to account and report—Removal from office—Deposit of collections. Every public officer and employee shall keep all accounts of his office in the form prescribed and make all reports required by the state auditor. Any public officer or employee who refuses or wilfully neglects to perform such duties shall be subject to removal from office in an appropriate proceeding for that purpose brought by the attorney general or by any prosecuting attorney.

Every public officer and employee, whose duty it is to collect or receive payments due or for the use of the public shall deposit such moneys collected or received by him with the treasurer of the taxing district once every twenty-four consecutive hours.

In case a public officer or employee collects or receives funds for the account of a taxing district of which he is an officer or employee, he shall, on Saturday of each week, pay to the proper officer of the taxing district for the account of which the collection was made or payment received, the full amount collected or received during the current week for the account of the district.

43.09.250 Appointment of examiners. After the auditor has formulated and installed the system of uniform accounting in any or all classes of public offices, he may appoint additional assistants as required, who shall be known as state examiners.

43.09.260 Examination of taxing districts—Reports—Action by attorney general. The state auditor, the chief examiner, and every state examiner shall have power by himself or by any person legally appointed to perform the service, to examine into all financial affairs of every public office and officer.

The examination of the financial affairs of townships, cities and towns, and school districts shall be made at least once in every two years; all other examinations shall be made at least once a year.

On every such examination, inquiry shall be made as to the financial condition and resources of the taxing district; whether the Constitution and laws of the state, the ordinances and orders of the taxing district, and the requirements of the division of municipal corporations have been properly complied with; and into the methods and accuracy of the accounts and reports.

The state auditor, his deputies, every state examiner and every person legally appointed to perform such service, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff, compel the attendance of witnesses and the production of books and papers before him at any designated time and place, and may administer oaths.

When any person summoned to appear and give testimony neglects or refuses so to do, or neglects or refuses to answer any question that may be put to him touching any matter under examination, or to produce any books or papers required, the person making such examination shall apply to a superior court judge of the proper county to issue a subpoena for the appearance of such person before him; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing, refuses to testify, or to produce any books or papers required, he shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Wilful false swearing in any such examination shall be perjury and punishable as such.

A report of such examination shall be made in triplicate, one copy to be filed in the office of the state auditor, one in the auditing department of the taxing district reported upon, and one in the office of the attorney general. If any such report discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his copy of the report, the attorney general shall institute, in the proper county, such legal action as is proper in the premises by civil process and prosecute the same to final determination to carry into effect the findings of the examination.

It shall be unlawful for the county commissioners or any board or officer to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action, without the written approval and consent of the attorney general and the state auditor.

43.09.270 Expense of division, how paid. The expense of maintaining and operating the division shall be paid out of the state general fund: *Provided*, That those expenses directly related to the

prescribing of accounting systems, and field audit supervision, shall be considered as expenses of auditing public accounts within the meaning of RCW 43.09.280, and shall be prorated for that purpose equally among all entities directly affected by such service.

43.09.280 Expense of examination, how paid. The expense of auditing public accounts shall be borne by each entity subject to such audit for the auditing of all accounts under its jurisdiction and the state auditor shall certify the expense of such audit to the fiscal or warrant-issuing officer of such entity, who shall immediately make payment to the division of municipal corporations: *Provided*, That no expense of classification "Auditor I" may be so certified. If the expense as certified is not paid by any taxing district within thirty days from the date of certification, the state auditor may certify the expense to the auditor of the county in which the taxing district is situated, who shall promptly issue his warrant on the county treasurer payable out of the current expense fund of the county, which fund, except as to auditing the financial affairs and making inspection and examination of the county, shall be reimbursed by the county auditor out of the money due said taxing district at the next monthly settlement of the collection of taxes and shall be transferred to the current expense fund.

43.09.282 Municipal revolving fund. To facilitate the collection and expenditure of funds for auditing municipal corporations there is hereby created a fund entitled the municipal revolving fund. The state treasurer shall be custodian of the fund. All moneys received by the division of municipal corporations or by any officer or employee thereof shall be deposited with the state treasurer, to be credited to the municipal revolving fund. Such fund shall be administered by the division of municipal corporations and shall be used for payment of the expenses of auditing public accounts.

Departmental Audits

43.09.290 Post-audit of state departments—Definitions. For the purposes of RCW 43.09.290 through 43.09.340 post-audit means an annual audit of the books, records, funds, and financial transactions of a state department for a complete fiscal period; pre-audit means all other audits and examinations; state department means elective officers and offices, and every other office, officer, department, board, council, committee, commission, authority, or agency of the state government now existing or hereafter created, supported, wholly or in part, by appropriations from the state treasury or funds under its control, or by the levy, assessment, collection, or receipt of fines, penalties, fees, licenses, sales of commodities, service charges, rentals, grants-in-aid, or other income provided by law,

and all state educational, penal, reformatory, charitable, eleemosynary, or other institutions, supported, wholly or in part, by appropriations from the state treasury or funds under its control.

43.09.300 Division of departmental audits—Chief examiner. There shall be in the office of the state auditor a division to be known as the division of departmental audits. The state auditor may appoint and depute an assistant to be known as chief examiner, who shall have charge and supervision of the division and who may, with the approval of the state auditor, appoint and employ such state examiners and clerical assistants as may be necessary to carry out the duties of the division.

43.09.310 Annual audit—Reports—Filing. The state auditor, through the division of departmental audits, shall make a post-audit of every state department at least once each year. A report of each post-audit upon completion thereof, shall be made in quintuplicate, and one copy shall be transmitted to the governor, one to the director of budget, one to the attorney general, one to the state department audited, and one shall be kept on file in the office of the state auditor.

43.09.320 Expense, how paid. The expenses incurred in making post-audits shall be paid from an appropriation from the general fund provided by law for that purpose.

43.09.330 Authority of officials in making audits—Action by attorney general. The state auditor, the chief examiner, and every state examiner of the division of departmental audits, for the purpose of making post-audits, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff to compel the attendance of witnesses and the production of books and papers before him at any designated time and place, and may administer oaths.

If any person summoned neglects or refuses to appear, or neglects or refuses to answer any question that may be put to him touching any matter under audit, or to produce any books or papers required, the person making such audit shall apply to a superior court judge of the county where the hearing arose to issue a subpoena for the appearance of such person before him; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing refuses to testify or to produce any books or papers required, he shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Wilful false swearing in any such examination shall be perjury and punishable as such.

If any audit discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his copy of the report, the attorney general shall institute and prosecute in the proper county, appropriate legal action to carry into effect the findings of such post-audit. It shall be unlawful for any state department or the responsible head thereof, to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action without the written approval and consent of the attorney general and the state auditor.

43.09.340 Audit of books of state auditor. The governor may, from time to time, provide for a post-audit of the books, accounts, and records of the state auditor, and the funds under his control, to be made either by independent qualified public accountants or the director of budget, as he may determine. The expense of making such audit shall be paid from appropriations made therefor from the general fund.

43.09.350 Record of state property. The state auditor shall install and maintain in his office on forms to be furnished by the director of budget, and in accordance with classifications prescribed by that officer, a controlling ledger in which shall be entered the valuations of all property, real, personal, and mixed, owned by the state, and keep such ledger continually posted as capital outlays are made by the various officers, institutions, and departments of the state government, and once each year enter therein and charge such depreciation as may be required by uniform system of accounts to be prescribed by the director of budget.

Chapter 43.10

ATTORNEY GENERAL

43.10.010 Qualifications—Oath—Bond. 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, 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.

43.10.020 Additional bond—Penalty for failure to furnish. If the governor deems any bond filed by the attorney general insuf-

ficient, he may require an additional bond for any amount not exceeding five thousand dollars.

If any attorney general fails to give such additional bond as required by the governor within twenty days after notice in writing of such requirement, his office may be declared vacant by the governor and filled as provided by law.

43.10.030 General powers and duties. The attorney general shall:

(1) Appear for and represent the state before the supreme court in all cases in which the state is interested;

(2) Institute and prosecute all actions and proceedings for, or for the use of the state, which may be necessary in the execution of the duties of any state officer;

(3) Defend all actions and proceedings against any state officer in his official capacity, in any of the courts of this state or the United States;

(4) Consult with and advise the several prosecuting attorneys in matters relating to the duties of their office, and when the interests of the state require, he shall attend the trial of any person accused of a crime, and assist in the prosecution;

(5) Consult with and advise the governor, members of the legislature and other state officers, and when requested, give written opinions upon all constitutional or legal questions relating to the duties of such officers;

(6) Prepare proper drafts of contracts and other instruments relating to subjects in which the state is interested;

(7) Give written opinions, when requested by either branch of the legislature, or any committee thereof, upon constitutional or legal questions;

(8) Enforce the proper application of funds appropriated for the public institutions of the state, and prosecute corporations for failure or refusal to make the reports required by law;

(9) Keep in proper books a record of all cases prosecuted or defended by him, on behalf of the state or its officers, and of all proceedings had in relation thereto, and deliver the same to his successor in office;

(10) Keep books in which he shall record all the official opinions given by him during his term of office, and deliver the same to his successor in office;

(11) Pay into the state treasury all moneys received by him for the use of the state.

43.10.040 Representation of boards, commissions and agencies.

The attorney general shall also represent the state and all officials, departments, boards, commissions and agencies of the state in the courts, and before all administrative tribunals or bodies of any nature, in all legal or quasi legal matters, hearings, or proceedings,

and advise all officials, departments, boards, commissions, or agencies of the state in all matters involving legal or quasi legal questions, except those declared by law to be the duty of the prosecuting attorney of any county.

43.10.050 Authority to execute appeal and other bonds. The attorney general may execute, on behalf of the state, any appeal or other bond required to be given by the state in any judicial proceeding to which it is a party in any court, and procure sureties thereon.

43.10.060 Appointment and authority of assistants. The attorney general may appoint necessary assistants, who shall hold office at his pleasure, and who shall have the power to perform any act which the attorney general is authorized by law to perform.

43.10.065 Employment of attorneys and employees to transact state's legal business. The attorney general may employ or discharge attorneys and employees to transact for the state, its departments, officials, boards, commissions, and agencies, all business of a legal or quasi legal nature, except those declared by law to be the duty of the judge of any court, or the prosecuting attorney of any county.

43.10.067 Employment of attorneys by others restricted. No officer, director, administrative agency, board, or commission of the state, other than the attorney general, shall employ, appoint or retain in employment any attorney for any administrative body, department, commission, agency, or tribunal or any other person to act as attorney in any legal or quasi legal capacity in the exercise of any of the powers or performance of any of the duties specified by law to be performed by the attorney general, except where it is provided by law to be the duty of the judge of any court or the prosecuting attorney of any county to employ or appoint such persons: *Provided*, That RCW 43.10.040, and RCW 43.10.065 through 43.10.080 shall not apply to the administration of the judicial council, the state law library, the law school of the state university, or the administration of the state bar act by the Washington State Bar Association.

The authority granted by chapter 1.08 RCW, RCW 44.24.050, and RCW 44.28.140 shall not be affected hereby.

43.10.070 Compensation of assistants, attorneys and employees. The attorney general shall fix the compensation of all assistants, attorneys, and employees, and in the event they are assigned to any department, board, or commission, such department, board, or commission shall pay the compensation as fixed by the attorney

general, not however in excess of the amount made available to the department by law for legal services.

43.10.080 Employment of experts, technicians. The attorney general may employ such skilled experts, scientists, technicians, or other specially qualified persons as he deems necessary to aid him in the preparation or trial of actions or proceedings.

43.10.090 Criminal investigations—Supervision. Upon the written request of the governor the attorney general shall investigate violations of the criminal laws within this state.

If, after such investigation, the attorney general believes that the criminal laws are improperly enforced in any county, and that the prosecuting attorney of the county has failed or neglected to institute and prosecute violations of such criminal laws, either generally or with regard to a specific offense or class of offenses, the attorney general shall direct the prosecuting attorney to take such action in connection with any prosecution as the attorney general determines to be necessary and proper.

If any prosecuting attorney, after the receipt of such instructions from the attorney general, fails or neglects to comply therewith within a reasonable time, the attorney general may initiate and prosecute such criminal actions as he shall determine. In connection therewith, the attorney general shall have the same powers as would otherwise be vested in the prosecuting attorney.

From the time the attorney general has initiated or taken over a criminal prosecution, the prosecuting attorney shall not have power or authority to take any legal steps relating to such prosecution, except as authorized or directed by the attorney general.

43.10.100 Biennial report. The attorney general shall prepare and report to the governor and the legislature, at or before the convening of each biennial session, a concise statement of all matters pertaining to his official duties, making such suggestions for lessening the public expenses and promoting frugality in the public offices as he deems expedient and proper.

43.10.110 Other powers and duties. The attorney general shall have the power and it shall be his duty to perform any other duties that are, or may from time to time be required of him by law.

Chapter 43.12

COMMISSIONER OF PUBLIC LANDS

43.12.010 Powers and duties—Generally. The commissioner of public lands shall exercise such powers and perform such duties as are prescribed by law.

Chapter 43.17**ADMINISTRATIVE DEPARTMENTS AND AGENCIES—
GENERAL PROVISIONS**

43.17.010 Departments created. There shall be departments of the state government which shall be known as (1) the department of public assistance, (2) the department of institutions, (3) the department of health, (4) the department of conservation, (5) the department of labor and industries, (6) the department of agriculture, (7) the department of licenses, (8) the department of fisheries, (9) the department of game, (10) the department of highways, (11) the department of general administration and (12) the department of commerce and economic development, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

43.17.020 Chief executive officers—Appointment. There shall be a chief executive officer of each department to be known as: (1) The director of public assistance, (2) the director of institutions, (3) the director of health, (4) the director of conservation, (5) the director of labor and industries, (6) the director of agriculture, (7) the director of licenses, (8) the director of fisheries, (9) the director of game, (10) the director of highways, (11) the director of general administration and (12) the director of commerce and economic development.

Such officers, except the director of highways, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The director of highways shall be appointed by the state highway commission.

43.17.030 Powers and duties—Oath. The directors of the several departments shall exercise such powers and perform such executive and administrative duties as are provided by law.

Each appointive officer before entering upon the duties of his office shall take and subscribe the oath of office prescribed by law for elective state officers, and file the same in the office of the secretary of state.

43.17.040 Chief assistant director—Powers. The director of each department may, from time to time, designate and deputize one of the assistant directors of his department to act as the chief

assistant director, who shall have charge and general supervision of the department in the absence or disability of the director, and who, in case a vacancy occurs in the office of director, shall continue in charge of the department until a director is appointed and qualified, or the governor appoints an acting director.

43.17.050 Office at capital—Branch offices. Each department shall maintain its principal office at the state capital. The director of each department may, with the approval of the governor, establish and maintain branch offices at other places than the state capital for the conduct of one or more of the functions of his department.

The governor, in his discretion, may require all administrative departments of the state and the appointive officers thereof, other than those created by this chapter, to maintain their principal offices at the state capital in rooms to be furnished by the director of general administration.

43.17.060 Departmental rules and regulations. The director of each department may prescribe rules and regulations, not inconsistent with law, for the government of his department, the conduct of its subordinate officers and employees, the disposition and performance of its business, and the custody, use, and preservation of the records, papers, books, documents, and property pertaining thereto.

43.17.070 Administrative committees. There shall be administrative committees of the state government, which shall be known as, (1) the state finance committee, (2) the state capitol committee, and (3) the state voting machine committee.

43.17.080 Administrative board—How constituted. The governor and the directors of the several departments shall constitute the administrative board. The governor shall be chairman of the board.

The board may adopt general rules and regulations for the transaction of business and provide for such committees as may be deemed expedient to facilitate the work of the board, the members of which shall be appointed by the chairman.

A vote of a majority of the entire membership of the board shall be necessary to exercise any of the administrative powers, or perform any of the administrative duties vested in, or required to be performed by, the board.

A majority of the board shall constitute a quorum, and a majority of those present at any meeting of the board may determine and advise as to questions of policy in the administration of any of the departments submitted to the board by any member thereof. The board shall meet at the call of the governor.

43.17.090 Administrative board—Powers and duties. The administrative board shall:

(1) From time to time, systematize and unify the administrative duties of the departments of the state government and make such necessary assignments of duties to the departments as it may deem advisable to correlate and coordinate the work thereof;

(2) Fix the amount of bond to be given by each appointive state officer and each employee of the state in all cases where it is not fixed by law;

(3) Require the giving of an additional bond, or a bond in a greater amount than provided by law, in all cases where in its judgment the statutory bond is not sufficient in amount to cover the liabilities of the officer or employee;

(4) Exempt subordinate employees from giving bond when in its judgment their powers and duties are such as not to require a bond.

43.17.100 Official bonds. Before entering upon the discharge of the duties of his office or employment, every appointive state officer and employee of the state shall give a surety bond, payable to the state, in such sum as is provided by law or in such sum as shall be deemed necessary by the administrative board, conditioned for the faithful performance of the duties of the office or employment, and accounting for all property of the state that shall come into his possession by virtue of his office or employment, which bond shall be approved as to form by the attorney general and as to sufficiency by the administrative board, and shall be filed in the office of the secretary of state.

43.17.110 Data, information, interdepartmental assistance. Where power is vested in a department or officer to inspect, examine, secure data or information from, or procure assistance from, another department or officer, such other department or officer shall submit to such inspection or examination, and furnish the data, information, or assistance required.

43.17.120 Designation of agency to carry out federal social security disability program. Such state agency as the governor may designate is hereby authorized to enter into an agreement on behalf of the state with the Secretary of Health, Education and Welfare to carry out the provisions of the federal social security act, as amended, relating to the making of determinations of disability under title II of such act.

43.17.130 ———Appointment of personnel. The state agency entering into such agreement shall appoint such professional personnel and other assistants and employees as may be reasonably necessary to carry out the provisions of RCW 43.17.120 and 43.17.130.

Chapter 43.19**DEPARTMENT OF GENERAL ADMINISTRATION**

43.19.010 Divisions of department—Authority and salary of director. The department of general administration shall be organized into five divisions, to be known as, (1) the division of banking, (2) the division of savings and loan associations, (3) the division of capitol buildings, (4) the division of purchasing, and (5) the division of engineering and architecture.

The director of general administration shall have charge and general supervision of the department. He may appoint and deputize such clerical and other assistants as may be necessary for the general administration of the department. The director of general administration shall receive a salary in an amount fixed by the governor.

43.19.015 Certain powers and duties of director of public institutions transferred to director of general administration. The director of general administration shall have the power and duties of the director of public institutions contained in the following chapters of RCW: Chapter 33.04 concerning savings and loan associations; chapter 39.32 concerning purchase of federal property; chapters 40.08 and 40.12 concerning archives; chapter 43.90 concerning central stores and chapter 73.12 concerning veterans' loan insurance.

43.19.020 Supervisor of banking—Appointment—Qualifications—Examiners. The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of banking, who shall have charge and supervision of the division of banking. With the approval of the director, he may appoint and employ bank examiners and such other assistants and personnel as may be necessary to carry on the work of the division.

No person shall be eligible for appointment as supervisor of banking unless he is, and for the last two years prior to his appointment has been, a citizen of the United States and a resident of this state; nor if he is interested in any bank or trust company as director, officer, or stockholder.

43.19.030 Oath and bond of examiners—Liability for acts performed in good faith. Before entering upon his office each bank examiner shall take and subscribe an oath faithfully to discharge the duties of his office and shall each execute to the state a bond to be approved by the governor in such sum as may be deemed necessary by the administrative board, with a surety company authorized to do business in this state, as surety, conditioned for

the faithful performance of his duties. The premiums on such bonds shall be paid by the state.

Oaths and bonds shall be filed with the secretary of state.

Neither the supervisor of banking, any deputy supervisor nor any bank examiner shall be personally liable for any act done by him in good faith in the performance of his duties.

43.19.040 Powers and duties—Division of banking. The director of general administration, through the division of banking, shall exercise all the powers and perform all the duties prescribed by law with respect to banks and trust companies, mutual savings banks, loan agencies and other similar institutions.

43.19.050 Office of supervisor of banking—Record of receipts and disbursements—Seal. The supervisor of banking shall maintain an office at the state capitol, but may with the consent of the governor also maintain an office at some other convenient banking center in this state. He shall keep books of record of all moneys received or disbursed by him. He shall adopt an official seal.

43.19.060 Secrecy enjoined as to banks and trust companies—Exceptions—Penalty. Neither the supervisor nor any person connected with his division shall disclose any information obtained from any bank or trust company to any person not connected with the division, except federal, federal reserve bank, state or clearing house bank examiners, or to officials empowered to investigate criminal charges, or except as is otherwise required by law. Every person who violates any provision of this section shall forfeit his office or employment and be guilty of a gross misdemeanor.

43.19.070 Secrecy enjoined as to mutual savings banks—Exceptions—Penalty. Neither the supervisor nor any person connected with his division shall disclose any information obtained from any mutual savings bank to any person not connected with the division except to officials empowered to investigate criminal charges, or except as is otherwise required by law. Every person who violates any provision of this section shall forfeit his office or employment and be guilty of a gross misdemeanor.

43.19.080 Borrowing money by supervisor, deputy or employee—Penalty. It shall be unlawful for the supervisor or any deputy or employee of his division to borrow money from any bank or trust company under his jurisdiction. Every person who violates this section shall forfeit his office or employment and be guilty of a gross misdemeanor.

43.19.090 Supervisor's annual report—Contents—Publication—Distribution. The supervisor shall file in his office all reports re-

quired to be made to him, prepare and furnish to banks and trust companies blank forms for such reports as are required of them and on or before the first day of February of each year make a report for the preceding year to the governor showing:

- (1) A summary of the conditions of the banks and trust companies at the date of their last report;
- (2) A list of those organized or closed during the year;
- (3) The amount of money collected and expended by him.

He shall publish annually at the expense of his division, in pamphlet form, at least five hundred copies of such report and shall furnish a copy thereof free to each bank and trust company, and may furnish them to other interested persons. He shall publish such other statements, reports, and pamphlets as he deems advisable.

43.19.100 Supervisor of savings and loan associations—Appointment—Qualifications. The director of general administration, shall appoint and deputize an assistant director to be known as the supervisor of savings and loan associations, who shall have charge and supervision of the division of savings and loan associations.

With the approval of the director, he may appoint and employ such assistants and personnel as may be necessary to carry on the work of the division.

No person shall be eligible for appointment as supervisor of savings and loan associations unless he is, and for at least two years prior to his appointment has been, a citizen of the United States and a resident of this state, and has had at least two years' practical experience in savings and loan employment, examination, or supervision.

43.19.110 Powers and duties—Division of savings and loan associations. The director of general administration, through the division of savings and loan associations, shall exercise all the powers and perform all the duties prescribed by law with respect to savings and loan associations, credit unions, and other similar institutions.

43.19.120 Secrecy enjoined as to associations—Exceptions—Penalty. The information obtained by the supervisor or any of his examiners or agents shall be deemed confidential and any supervisor, examiner, or agent who wilfully circulates or transmits to another, other than in the course of duty to the institution examined and to his superior officer, and to the officials of the institution examined, any information so obtained shall be guilty of a gross misdemeanor.

The provisions of this section shall not apply to the preparation and publication of the usual statistical reports of the supervisor or

to the furnishing of any such information to any state or federal department or agency.

43.19.125 Powers and duties—Division of capitol buildings. The director of general administration, through the division of capitol buildings, shall have custody and control of the capitol buildings and grounds, supervise and direct proper care, heating, lighting and repairing thereof, and designate rooms in the capitol buildings to be occupied by various state officials.

43.19.180 Supervisor of purchasing—Appointment — Personnel. The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of purchasing, who shall have charge and supervision of the division of purchasing.

With the approval of the director, he may appoint and employ such assistants and personnel as may be necessary to carry on the work of the division.

43.19.190 Division of purchasing—Powers and duties. The director of general administration, through the division of purchasing, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies and equipment needed for the support, maintenance, and use of all state institutions, colleges and universities, the offices of the elective state officers, the supreme court, the administrative and other departments of state government, and the offices of all appointive officers of the state: *Provided, however,* That primary authority for the purchase of specialized equipment, instructional and research material for their own use shall rest with the colleges and universities: *Provided further,* That primary authority for the purchase of materials, supplies and equipment for resale to other than state agencies shall rest with the state agency concerned;

(3) Provide the required staff assistance for the state purchasing committee through the division of purchasing;

(4) Have authority to delegate to state agencies a limited authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment and supplies: *Provided,* That acceptance of the limited purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939 or from policies established by the state purchasing committee;

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications when approved by the purchasing committee;

(10) Provide for the maintenance of inventory records of supplies, materials, equipment, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors.

43.19.1902 State purchasing committee. There is hereby created a state purchasing committee which shall consist of seven members as follows: The director of general administration as chairman and executive officer, who shall be responsible for the execution of all policies established by the committee, and a representative from each of the following six state agencies, who shall be appointed by the governor based upon recommendations of the head of the agency from which the selection is made; the department of highways, the department of institutions, the department of natural resources, the University of Washington, Washington State University and the central budget agency. Members of the committee shall serve without additional compensation and at the pleasure of the governor. Four members of the committee shall constitute a quorum. The committee shall meet upon call of the chairman and shall adopt rules and regulations for the conduct of its business. The chairman may appoint special committees for the study of specific subjects, which special committees may include representatives of such other state agencies as may be deemed appropriate.

43.19.1904 State purchasing committee—Powers and duties. The state purchasing committee shall have the following powers and duties:

(1) Review and approve standards and specifications for all items of material, supplies and equipment of common usage in state agencies;

(2) Review and approve specifications for specific items of

material, supplies and equipment referred to it by the division of purchasing;

(3) Review and approve standards for the purchase, replacement and repair of automotive equipment consistent with the needs and location of state agencies;

(4) Review and approve a uniform system of inventory control for material, supplies and equipment;

(5) Act as an appeals board to hear appeals on matters involving a state agency and the division of purchasing, and shall render its decision relating thereto within thirty days after filing of the appeal;

(6) The findings and actions of the committee shall be binding upon the respective state agencies including all offices, institutions, and departments, and public funds shall not be expended by any agency for substitutions for material, supplies and equipment for which standards have been established by the committee unless prior written approval is obtained from the division of purchasing.

43.19.1906 Competitive bids—Sealed bids, exceptions. Insofar as practicable, all purchases and sales shall be based on competitive bids and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the director of general administration through the division of purchasing and under the powers granted by RCW 43.19.190 through 43.19.1939: *Provided*, That sealed competitive bidding shall not be necessary for:

(1) Emergency purchases if such sealed bidding procedure would prevent or hinder the emergency from being met appropriately; and

(2) Purchases not exceeding five hundred dollars but in all such purchases quotations shall be secured from enough vendors to assure establishment of a competitive price; and

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services or market conditions, in which instances the purchase price may be best established by direct negotiation.

43.19.1908 Bids—Solicitation, notices—Qualified bidders—Writing. Competitive bidding required by RCW 43.19.190 through 43.19.1939 shall be solicited by public notice, and through the sending of notices by mail to bidders on the appropriate list of bidders who shall have qualified by application to the division of purchasing. Bids may be solicited by the purchasing division from any source thought to be of advantage to the state. All bids shall be in writing and conform to rules of the division of purchasing.

43.19.1911 Letting contract—Lowest responsible bidder, determination—Public inspection of bids. When purchases are made

through competitive bidding, the contract shall be let to the lowest responsible bidder, subject to any preferences provided by law to Washington products and vendors, taking into consideration the quality of the articles proposed to be supplied, their conformity with specifications, the purposes for which required, and the times of delivery: *Provided*, That whenever there is reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the division of purchasing may call for new bids or enter into direct negotiations to achieve the best possible price. Each bid with the name of the bidder shall be entered of record and each record, with the successful bid indicated, shall, after letting of the contract, be open to public inspection. In determining "lowest responsible bidder", in addition to price, the following elements shall be given consideration:

(1) The ability, capacity and skill of the bidder to perform the contract or provide the service required;

(2) The character, integrity, reputation, judgment, experience and efficiency of the bidder;

(3) Whether the bidder can perform the contract within the time specified;

(4) The quality of performance of previous contracts or services;

(5) The previous and existing compliance by the bidder with laws relating to the contract or services;

(6) Such other information as may be secured having a bearing on the decision to award the contract.

43.19.1913 Rejection of bid for previous unsatisfactory performance. The division of purchasing may reject the bid of any bidder who has failed to perform satisfactorily a previous contract with the state.

43.19.1915 Bidder's bond—Annual bid bond. When any bid has been accepted, the division of purchasing may require of the successful bidder a bond payable to the state in such amount with such surety or sureties as determined by the division of purchasing, conditioned that he will fully, faithfully and accurately execute the terms of the contract into which he has entered. The bond shall be filed in the office of the division of purchasing. Bidders who regularly do business with the state shall be permitted to file with the division of purchasing an annual bid bond in an amount established by the division and such annual bid bond shall be acceptable as surety in lieu of furnishing surety with individual bids.

43.19.1917 Records of equipment owned by state—Inspection—"State equipment" defined. The director of general administration, through the division of purchasing, shall maintain a perpetual record of ownership of state owned equipment, which shall be

available in the division of purchasing for the inspection and check of those officers who are charged by law with the responsibility for auditing the records and accounts of the state agencies owning the equipment, or to such other special investigators and others as the governor may direct.

All state agencies shall account to the division of purchasing at any and all times for state equipment owned by, assigned to, or otherwise possessed by them and maintain such records as the division of purchasing deems necessary to proper accountability therefor. The term "state equipment" means all items of machines, tools, furniture, or furnishings other than expendable supplies and materials as defined by the division of purchasing.

43.19.1919 Sale, exchange, of unneeded personal property. The division of purchasing shall sell or exchange personal property belonging to the state for which the office, department, or institution having custody thereof has no further use, at public or private sale, and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund: *Provided*, Sales of capital assets may be made by the division of purchasing and a credit established in central stores for future purchases of capital items as provided for in RCW 43.19.190 through 43.19.1939.

43.19.1921 Central stores warehouse facilities—Central maintenance, repair, etc.—Sales, exchanges, between state agencies. The director of general administration, through the division of purchasing, shall:

(1) Establish and maintain warehouses hereinafter referred to as "central stores" for the centralized storage and distribution of such supplies, equipment, and other items of common use in order to effect economies in the purchase of supplies and equipment for state agencies. To provide central stores warehouse facilities the division of purchasing may, by arrangement with the state agencies, utilize any surplus available state owned space, and may acquire other needed warehouse facilities by lease or purchase of the necessary premises;

(2) Provide for the central salvage, maintenance, repair, and servicing of equipment, furniture, or furnishings used by state agencies, and also by means of such a service provide an equipment pool for effecting sales and exchanges of surplus and unused property by and between state agencies. Funds derived from the sale and exchange of property shall be placed to the account of the appropriate state agency on the central stores accounts but such funds may

not be expended through central stores without prior approval of the central budget agency.

43.19.1923 Central stores revolving fund—Transfer of moneys from prior fund. There is created within the division of purchasing of the department of general administration a revolving fund to be known as the “central stores revolving fund”, which shall be used for the purchase of supplies and equipment handled or rented through central stores, and the payment of salaries, wages and other costs incidental to the acquisition, operation, and maintenance of the central stores, and other activities connected therewith. The fund shall be credited with all receipts from the rental, sale or distribution of supplies, equipment, and services rendered to the various state agencies. The moneys held in the present central stores revolving fund created by section 4, chapter 160, Laws of 1943 are hereby transferred to the central stores revolving fund created by this section.

43.19.1925 Combined purchases of commonly used items—Advance payments by state agencies—Costs of operating central stores. To supply such funds as may be necessary for making combined purchases of items 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. Funds so advanced to central stores shall be used only for the combined procurement, storage, and delivery of such stocks of supplies and equipment 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.

43.19.1927 Deposit of central stores revolving fund. The central stores revolving fund shall be deposited in such banks and financial institutions as may be selected by the state treasurer, which shall furnish to him surety bonds or collateral eligible as security for the deposit of state funds, in at least the full amount of deposit in each such bank or financial institution.

43.19.1935 Insurance, public official bonds, procurement. As a means of providing for the procurement of insurance and public official bonds on a volume rate basis, the director of general administration through the division of purchasing shall purchase or contract for the needs of state agencies in relation to all such

insurance and public official bonds: *Provided*, That the individual public official bonds of elected state officials, insurance requirements of colleges and universities, insurance requirements of toll project agencies and insurance covering proprietary activities of state agencies, other than motor vehicle coverage, may be procured directly and independently by them. Insurance in force shall be reported periodically under rules established by the director.

The amounts of insurance or surety bond coverage shall be as fixed by law, or if not fixed by law, such amounts shall be as fixed by the administrative board.

The premium cost for insurance acquired and surety bonds furnished shall be paid from appropriations made to the state agency or agencies for which procurement is made, and all vouchers drawn in payment therefor shall bear the written approval of the division of purchasing prior to the issuance of the state warrant in payment therefor.

43.19.1937 Acceptance of benefits, gifts, etc., prohibited—Penalties. No member of the state purchasing committee and no state employee whose duties include:

(1) Advising on or drawing specifications for supplies, equipment, commodities or services;

(2) Suggesting or determining vendors to be placed upon a bid list;

(3) Drawing requisitions for supplies, equipment, commodities or services;

(4) Evaluating specifications or bids and suggesting or determining awards; or

(5) Accepting the receipt of supplies, equipment and commodities or approving the performance of services or contracts; shall accept or receive, directly or indirectly, a financial benefit, or accept any gift, token, membership or service, as a result of a purchase entered into by the state, from any person, firm or corporation engaged in the sale, lease or rental of property, material, supplies, equipment, commodities or services to the state of Washington.

Violation of this section shall be considered a malfeasance and may cause loss of position, and the violator shall be liable to the state upon his official bond for all damages sustained by the state. Contracts involved may be canceled at the option of the state. Penalties provided in this section are not exclusive, and shall not bar action under any other statute penalizing the same act or omission.

43.19.1939 Unlawful to offer, give, accept, benefits as inducement for or to refrain from bidding—Penalty. When any competitive bid or bids are to be or have been solicited, requested, or adver-

tised for by the state under the provisions of RCW 43.19.190 through 43.19.1939, it shall be unlawful for any person acting for himself, or as agent of another, to offer, give, or promise to give, any money, check, draft, property, or other thing of value, to another for the purpose of inducing such other person to refrain from submitting any bids upon such purchase or to enter into any agreement, understanding or arrangement whereby full and unrestricted competition for the securing of such public work will be suppressed, prevented, or eliminated; and it shall be unlawful for any person to solicit, accept or receive any money, check, draft, property, or other thing of value upon a promise or understanding, express or implied, that he individually or as an agent or officer of another will refrain from bidding upon such contract, or that he will on behalf of himself or such others submit or permit another to submit for him any bid upon such purchase in such sum as to eliminate full and unrestricted competition thereon. Any person violating any provision of this section shall be guilty of a misdemeanor.

43.19.200 Duty of others in relation to purchases—Emergency purchases. The governing authorities of the state's educational institutions, the elective state officers, the supreme court, the administrative and other departments of the state government, and all appointive officers of the state, shall prepare estimates of the supplies required for the proper conduct and maintenance of their respective institutions, offices, and departments, covering periods to be fixed by the director, and forward them to the director in accordance with his directions. No such authorities, officers, or departments, or any officer or employee thereof, may purchase any article for the use of their institutions, offices, or departments, except in case of extreme and immediate necessity. All persons making emergency purchases, shall immediately report the same, with the reasons therefor, to the director.

Purchases made for the state's educational institutions, the offices of the elective state officers, the supreme court, the administrative and other departments of the state government, and the offices of all appointive officers of the state, shall be paid for out of the moneys appropriated for supplies, material, and service of the respective institutions, offices, and departments.

43.19.210 Estimates—Approval of director of budget. Before any requisition or estimate for the purchase of materials or supplies shall be acted upon by the division of purchasing, it shall be referred to the director of budget for investigation, (1) as to the condition of the allotment for the state department submitting the requisition or estimate, (2) as to whether the proposed expenditure has been authorized by an approved allotment or supplemental

allotment to such department and (3) as to whether the amount of the proposed expenditure will cause the allotment or supplemental allotment to be exceeded.

If the director of budget finds that any proposed expenditure is not in accord with an approved allotment for such department he shall endorse his findings upon the voucher or estimate and the same shall forthwith be returned to the forwarding state department.

43.19.255 Section 1, chapter 169, Laws of 1953 and RCW 43.19.255 are each redesignated as RCW 72.01.042 and added to chapter 28, Laws of 1959 and Title 72 RCW to read as follows:

72.01.042 Hours of labor for full time employees—Compensatory time—Premium pay. The hours of labor for each full time employee of the department of institutions shall be a maximum of eight hours in any work day and forty hours in any work week.

Employees required to work in excess of the eight-hour maximum per day or the forty-hour maximum per week shall be compensated by not less than equal hours of compensatory time off or, in lieu thereof, a premium rate of pay per hour equal to not less than one-one hundred and seventy-sixth of the employee's gross monthly salary: *Provided*, That in the event that an employee is granted compensatory time off, such time off should be given within the calendar year and in the event that such an arrangement is not possible the employee shall be given a premium rate of pay: *Provided further*, That compensatory time and/or payment thereof shall be allowed only for overtime as is duly authorized and accounted for under rules and regulations to be established by the director of institutions.

43.19.256 Section 2, chapter 169, Laws of 1953 and RCW 43.19.256 are each redesignated as RCW 72.01.043 and added to chapter 28, Laws of 1959 and Title 72 RCW to read as follows:

72.01.043 ————Certain personnel excepted. RCW 72.01.042 shall not be applicable to the administrative officers of the department of institutions; institutional superintendents, medical staff other than nurses, and business managers; and such professional, administrative and supervisory personnel as designated by the department of institutions with the concurrence of the merit system board having jurisdiction.

43.19.450 Supervisor of engineering and architecture—Qualifications—Appointment—Powers and duties. The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of engineering and architecture who shall have charge and supervision of the division of engineering and architecture. With the approval of the director he may appoint

and employ such assistants and personnel as may be necessary to carry out the work of the division.

No person shall be eligible for appointment as supervisor of engineering and architecture unless he is, and for the last five years prior to his appointment has been, licensed to practice the profession of engineering or the profession of architecture in the state of Washington.

The director of general administration, through the division of engineering and architecture shall:

(1) Establish a systematic building program for the grouping of buildings at the state capital, at institutions under the control of the department of institutions, and for state agencies which have no architectural staff, and prepare preliminary layouts, site studies, programs and topographical plans to accompany the estimates for the biennial budgets.

(2) Contract for professional architectural, engineering and related services for the design of buildings and major alterations to existing buildings at the state capital, at institutions under the control of the department of institutions, and for all state-owned buildings for agencies which have no architectural staff.

(3) Prepare estimates for the biennial budget and prepare plans and specifications for all necessary maintenance, repairs, and minor alterations to the state capitol buildings, all buildings required at the institutions under the control of the department of institutions, and for all other state-owned buildings for agencies which have no architectural staff.

(4) Supervise the erection, repairing and betterment of all capitol buildings, all buildings required for the institutions under the control of the department of institutions, and all other state-owned buildings for agencies which have no architectural staff.

(5) Negotiate and/or call for bids and execute all contracts on behalf of the state for the preceding.

Chapter 43.20

DEPARTMENT OF HEALTH—STATE BOARD OF HEALTH

43.20.010 Powers and duties of director—General. The director of health shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to public health and vital statistics;

(2) Devote his time to the investigation of sanitary conditions and the prevalence of disease in the state;

(3) Strictly enforce all laws for the protection of the public health and the improvement of sanitary conditions in the state, and all rules, regulations, and orders of the state board of health;

(4) Investigate all epidemics of disease that may occur and advise local health officers as to measures to be taken to prevent and control the same;

(5) Supervise all measures taken by local health officers for the suppression and control of disease;

(6) Have the same authority as local health officers to quarantine and disinfect persons, articles of household goods, merchandise, buildings, or watercraft, except that he shall not exercise such authority unless the local health officer fails to do so, or when in an emergency the safety of the public health demands it. He may release any quarantine, whether ordered by himself or by a local health officer, when in his opinion it is no longer necessary;

(7) At least semiannually, visit and inspect each of the state institutions, ascertain the sanitary and health conditions existing thereat, require the governing authorities thereof to take such action as will conserve the health of all persons connected therewith, and report his findings to the governor.

43.20.020 Qualifications. The director of health shall be an experienced physician.

43.20.030 State board of health—Authority of director. The director of health and four other persons experienced in matters of health and sanitation, to be appointed by the governor, shall constitute the state board of health.

The director shall be chairman and executive officer of the board and, with the advice and assistance of the board, shall have charge and supervision of the department of health.

43.20.040 Registrar of vital statistics—Other personnel. The director of health shall appoint the registrar of vital statistics, who shall be the secretary of the state board of health.

The director may appoint and employ such deputies, scientific experts, sanitary engineers, quarantine officers, and such clerical and other assistants as may be necessary to carry on the work of the department of health.

43.20.050 Powers and duties of board of health. The state board of health shall have supervision of all matters relating to the preservation of the life and health of the people of the state.

It shall have supreme authority in matters of quarantine, and may declare and enforce it when none exists, or may modify, relax, or abolish it when it has been established.

The board may have special or standing orders or regulations for the prevention of the spread of contagious or infectious diseases, and for governing the receipt and conveyance of remains of deceased

persons, and such other sanitary matters as admit of and may best be controlled by universal rule.

It may also make and enforce orders in local matters, when in its opinion an emergency exists and the local board of health has failed to act with sufficient promptness or efficiency, or when no local board has been established, and all expenses so incurred shall be paid by the county in which such services are rendered, out of the current expense fund of the county.

All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce such quarantine and sanitary rules and regulations as may be adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

The board shall make careful inquiry as to the cause of disease, especially when contagious, infectious, epidemic, or endemic, and take prompt action to control and suppress it. It shall respond promptly, when called upon by health officers to investigate and report upon the water supply, sewerage system, heating, plumbing, or ventilation of any place or public building.

43.20.060 Annual convention of health officers. The director of health shall hold annually a convention of county health officers, at such place as he deems convenient, for the discussion of questions pertaining to public health and sanitation, which shall continue in session for such time not exceeding three days as the director deems necessary.

The health officer of each county shall attend such convention during its entire session, and receive therefor his actual and necessary traveling expenses, to be paid by his county: *Provided*, That no claim for such expenses shall be allowed or paid unless it is accompanied by a certificate from the director of health attesting the attendance of the claimant.

43.20.070 Registration of vital statistics. The director of health shall have charge of the state system of registration of births and deaths and shall prepare the necessary rules, forms, and blanks for obtaining records, and insure the faithful registration thereof.

43.20.080 Duties of registrar. The state registrar of vital statistics shall prepare, print, and supply to all registrars all blanks and forms used in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of Title 70; and shall prepare

and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. No other blanks shall be used than those supplied by the state registrar. He shall carefully examine the certificates received monthly from the local registrars and, if any are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory, and shall cause such further information to be attached to and filed with the certificate. He shall furnish, arrange, bind, and make a permanent record of the certificates in a systematic manner, and shall prepare and maintain a comprehensive index of all births, deaths, and fetal deaths registered.

43.20.090 Certified copies of birth or death certificates—Fee—Restrictions. The state registrar shall, upon request, furnish an applicant with a certified copy of the record of any birth, death, or fetal death, registered under the provision of law, or that portion of the record of any birth which shows the child's full name, sex, date of birth, and date of filing of the certificate, for the making and certification of which he shall charge a fee of two dollars to be paid by the applicant: *Provided*, That a certified copy of the record of any birth may not disclose the fact of illegitimacy of birth, nor of information from which it can be ascertained, except upon order of the court or in cases where written notice is received from an attorney, court official, or adoption agency that the illegitimate child is to be adopted: *Provided further*, That no fees shall be demanded or required for furnishing certified copy, or copies, of birth, death, or fetal death for use in connection with a claim for compensation or pension pending before the veterans administration.

For any search of the files and the records when no certified copy is made, the state registrar shall be entitled to a fee of two dollars for each hour or fractional part of an hour employed in such search, to be paid by the applicant.

The state department of health shall keep a true and correct account of all fees received and turn the same over to the state treasurer on or before the first day of January, April, July and October.

Health officers in cities of the first class may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, and shall be entitled to charge for searching of records when no certified copy is made the same fee as hereinabove provided. All such fees collected shall be paid to the jurisdictional health department: *Provided*, That health officers of cities of the first class may issue certified copies only if they have an original certificate in their possession at the time of issuance of a certified copy or a copy of

the original certificate transmitted to the state registrar which was produced by a photographic or other exact reproduction method. Health officers of counties or districts normally served by full time health officers may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, during the period that the original certificates are in their possession prior to transmittal of the original certificates to the state registrar. All such fees collected shall be paid to the jurisdictional health department. Certified copy forms used by health officers furnishing certified copies while the original records are temporarily in their possession shall be supplied or approved by the state registrar and no other forms shall be used.

43.20.100 Annual report. The state board of health shall make an annual report to the governor on or before the first day of January of each year, including therein so much of the proceedings of the board and such information concerning vital statistics, such knowledge respecting diseases, and such instructions as may be thought useful by the board for dissemination among the people, with suggestions for such legislative action as it deems necessary.

43.20.110 Federal act on maternal and infancy hygiene accepted. The provisions of the act of congress entitled "An Act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, are hereby accepted by the state of Washington.

43.20.120 Division of child hygiene created. There shall be in the department of health, a division of child hygiene. The director of health, through the division of child hygiene, shall administer the provisions of said act of congress within this state.

43.20.130 Services to crippled children. It shall be the duty of the director of health and he shall have the power to establish and administer a program of services for children who are crippled or who are suffering from physical conditions which lead to crippling, which shall provide for developing, extending, and improving services for locating such children, and for providing for medical, surgical, corrective, and other services and care, and facilities for diagnosis, hospitalization, and after care; to supervise the administration of those services, included in the program, which are not administered directly by it; to extend and improve any such services, including those in existence on April 1, 1941; to cooperate with medical, health, nursing, and welfare groups and organizations, and with any agency of the state charged with the administration of laws providing for vocational rehabilitation of physically handicapped children; to cooperate with the federal gov-

ernment, through its appropriate agency or instrumentality in developing, extending, and improving such services; and to receive and expend all funds made available to the department by the federal government, the state or its political subdivisions or from other sources, for such purposes.

43.20.140 Rules and regulations. The director of the state board of health shall be empowered to promulgate such rules and regulations as shall be necessary to effectuate and carry out the purposes of RCW 43.20.130.

Chapter 43.21

DEPARTMENT OF CONSERVATION

43.21.010 Divisions of department. The department of conservation shall be organized into six divisions, to be known as, (1) the division of geology, (2) the division of mines, (3) the division of reclamation, (4) the division of water resources, (5) the division of flood control, and (6) the division of power resources.

The director of conservation may appoint such clerical and other assistants as may be necessary for the general administration of the department.

43.21.040 Supervisor of geology—Appointment—Personnel. The director of conservation shall appoint and depute an assistant director, to be known as the supervisor of geology, who shall have charge and supervision of the division of geology.

With the approval of the director, he may appoint and employ such field experts, surveyors, clerks, and other assistants as may be necessary to carry on the work of the division.

43.21.050 Powers and duties. The director of conservation, through the division of geology, shall assume full charge and supervision of the state geological survey and perform such other duties as may be prescribed by law.

43.21.060 Supervisor of mines — Appointment — Qualifications. The director of conservation shall appoint and depute an assistant director, to be known as the supervisor of mines, who shall have charge and supervision of the division of mines. With the approval of the director, he may appoint such assistants, experts and other personnel as may be necessary to carry on the work of the division.

The supervisor shall be a competent mining engineer having practical knowledge of the mineral resources and potential possibilities for development of the mining industry in the state.

43.21.070 Powers and duties. The director of conservation, through the division of mines, shall:

(1) Collect, compile, publish, and disseminate statistics and information relating to mining, milling, and metallurgy;

(2) Make special studies of the mineral resources and industries of the state;

(3) Collect and assemble an exhibit of mineral specimens, both metallic and nonmetallic, especially those of economic and commercial importance; such collection to constitute the museum of mining and mineral development;

(4) Collect and assemble a library pertaining to mining, milling, and metallurgy of books, reports, drawings, tracings, and maps and other information relating to the mineral industry and the arts and sciences of mining and metallurgy;

(5) Make a collection of models, drawings, and descriptions of the mechanical appliances used in mining and metallurgical processes;

(6) Issue bulletins and reports with illustrations and maps with detailed description of the natural mineral resources of the state;

(7) Preserve and maintain such collections and library open to the public for reference and examination and maintain a bureau of general information concerning the mineral and mining industry of the state, and issue from time to time at cost of publication and distribution such bulletins as may be deemed advisable relating to the statistics and technology of minerals and the mining industry;

(8) Make determinative examinations of ores and minerals, and consider other scientific and economical problems relating to mining and metallurgy;

(9) Cooperate with all departments of the state government, state educational institutions, the United States geological survey and the United States bureau of mines. All departments of the state government and educational institutions shall render full cooperation to the director in compiling useful and scientific information relating to the mineral industry within and without the state, without cost to the department of conservation.

43.21.080 Gifts and bequests. The director may receive on behalf of the state, for the benefit of mining and mineral development, gifts, bequests, devises, and legacies of real or personal property and use them in accordance with the wishes of the donors and manage, use, and dispose of them for the best interests of mining and mineral development.

43.21.090 Collection of minerals for exhibition. The director may, from time to time, prepare special collections of ores and minerals representative of the mineral industry of the state to be

displayed or used at any world fair, exposition, mining congress, or state exhibition, in order to promote information relating to the mineral wealth of the state.

43.21.100 Supervisor of reclamation—Appointment—Personnel.

The director of conservation shall appoint and deputize an assistant director, to be known as the supervisor of reclamation, who shall have charge and supervision of the division of reclamation.

With the approval of the director, he may appoint and employ such engineers, experts, accountants, clerks, and other assistants as may be necessary to carry on the work of the division.

43.21.110 Powers and duties. The director of conservation, through the division of reclamation, shall exercise all the powers and perform all the duties prescribed by law with respect to the reclamation and development of arid, swamp, overflow, and logged-off lands in the state and such other duties as may be prescribed by law.

43.21.120 Supervisor of water resources—Appointment—Personnel. The director of conservation shall appoint and deputize an assistant director, to be known as the supervisor of water resources, who shall have charge and supervision of the division of water resources.

With the approval of the director, he may appoint and employ such engineers and clerical and other assistants as may be necessary to carry on the work of the division.

43.21.130 Division of water resources—Powers and duties. The director of conservation, through the division of water resources, shall have the following powers and duties:

(1) The supervision of public waters within the state and their appropriation, diversion, and use, and of the various officers connected therewith;

(2) Insofar as may be necessary to assure safety to life or property, he shall inspect the construction of all dams, canals, ditches, irrigation systems, hydraulic power plants, and all other works, systems, and plants pertaining to the use of water, and he may require such necessary changes in the construction or maintenance of said works, to be made from time to time, as will reasonably secure safety to life and property;

(3) He shall regulate and control the diversion of water in accordance with the rights thereto;

(4) He shall determine the discharge of streams and springs and other sources of water supply, and the capacities of lakes and of reservoirs whose waters are being or may be utilized for beneficial purposes;

(5) He shall keep such records as may be necessary in the administration of the division and for the recording of the financial transactions and statistical data thereof, and shall procure all necessary documents, forms, and blanks. He shall keep a seal of the office, and all certificates by him covering any of his acts or the acts of his office, or the records and files of his office, under such seal, shall be taken as evidence thereof in all courts;

(6) He shall render to the governor, on or before the last day of November immediately preceding the regular session of the legislature, and at other times when required by the governor, a full written report of the work of his office, including a detailed statement of the expenditure thereof, with such recommendations for legislation as he may deem advisable for the better control and development of the water resources of the state;

(7) He, the supervisor, and duly authorized deputies may administer oaths;

(8) He shall establish and promulgate rules governing the administration of chapter 90.03;

(9) He shall perform such other duties as may be prescribed by law.

43.21.140 "Stream gauging fund" created. The director of conservation, through the division of water resources, may create within his department a trust fund to be known as the "stream gauging fund."

Into such fund shall be deposited all moneys contributed by persons for stream flow data or other hydrographic information furnished by the department in cooperation with the United States geological survey, and the fund shall be expended on a matching basis with the United States geological survey for the purpose of obtaining additional basic information needed for an intelligent inventory of water resources in the state.

Disbursements from the stream gauging fund shall be on vouchers approved by the supervisor of water resources and the district engineer of the United States geological survey.

43.21.150 Supervisor of flood control—Appointment—Personnel. The director of conservation shall appoint an assistant director, to be known as the supervisor of flood control, who shall have charge and supervision of the division of flood control.

With the approval of the director, he may appoint and employ such engineers and clerical and other assistants as may be necessary to carry on the work of the division.

43.21.160 Powers and duties. The director of conservation, through the division of flood control, shall exercise all the powers

and perform all the duties prescribed by law with respect to flood control.

43.21.190 Master plan of development. The director shall prepare and perfect from time to time a state master plan for flood control, state public reservations, financed in whole or in part from moneys collected by the state, sites for state public buildings and for the orderly development of the natural and agricultural resources of the state. The plan shall be a guide in making recommendations to the officers, boards, commissions, and departments of the state.

Whenever an improvement is proposed to be established by the state, the state agency having charge of the establishment thereof shall request of the director a report thereon, which shall be furnished within a reasonable time thereafter. In case an improvement is not established in conformity with the report, the state agency having charge of the establishment thereof shall file in its office and with the director a statement setting forth its reasons for rejecting or varying from such report which shall be open to public inspection.

The director shall insofar as possible secure the cooperation of adjacent states, and of counties and municipalities within the state in the coordination of their proposed improvements with such master plan.

43.21.200 ———Public hearings. The director may hold public hearings, in connection with any duty prescribed in RCW 43.21.190 and may compel the attendance of witnesses and the production of evidence.

43.21.210 Joint hearings—Appeals. The director of conservation, the supervisor of water resources, and the supervisor of reclamation shall jointly hear and decide, by a majority vote, all matters arising in the division of reclamation, which the director or the supervisor of reclamation deems to be of sufficient importance to require their joint action; and hear and decide, by a majority vote, any matter concerning which any person affected by the decision of the supervisor of reclamation shall, by request in writing, ask for a joint decision.

Nothing herein contained shall be construed as depriving any person feeling himself aggrieved by any decision of either the director, the supervisor of reclamation, or by any joint decision, of the right of appeal therefrom to a court of competent jurisdiction in the manner provided by law.

43.21.220 Division of power resources—Powers and duties—Transfer of records, etc., from power commission to division. The

department of conservation, through the division of power resources, shall make studies and surveys, collect, compile and disseminate information and statistics to facilitate development of the electric power resources of the state by public utility districts, municipalities, electric cooperatives, joint operating agencies and public utility companies. The director of conservation may cause studies to be made relating to the construction of steam generating plants using any available fuel and their integration with hydro-electric facilities. He may cause designs for any such plant to be prepared. He shall employ such engineers and other experts and assistants as may be necessary to carry on the work of the division of power resources. All reports, surveys, books, records and papers heretofore in possession or control of the Washington state power commission shall hereafter be in the custody of the division of power resources. All studies, surveys, information and statistics assembled by the division, including those formerly in possession or control of the Washington state power commission, shall be available to the public for reference.

43.21.230 Development of resources—Cooperation with governmental units. The director of conservation may represent the state and aid and assist the public utilities therein to the end that its resources shall be properly developed in the public interest insofar as they affect electric power and to this end he shall cooperate and may negotiate with Canada, the United States, the states thereof and their agencies to develop and integrate the resources of the region.

43.21.240 Power advisory committee. There shall be a power advisory committee consisting of five members appointed by the governor to serve at his pleasure. Such members shall be representative of the power industry from different geographical areas of the state. They shall consult with and advise the director of conservation on matters pertaining to the division of power resources. They shall receive the same compensation for services and expenses as provided for members of the Columbia Basin commission.

43.21.250 Steam electric generating plant—Study—Construction—Duty of advisory committee. The director of conservation shall continue the study of the state power commission made in 1956 relating to the construction of a steam power electric generating plant, and if the construction of a steam electric generating plant is found to be feasible by the director of conservation, the director of conservation may construct such plant at a site determined by him to be feasible and operate it as a state owned facility. The advisory committee provided for in RCW 43.21.240 shall advise the director of conservation in connection with the steam electric generating plant provided for herein.

43.21.260 ———Statement of intention—Construction by public utility, operating agency, or the department, procedure—Powers of director of commerce and economic development. Before the director of conservation shall construct said steam generating facility within the state, or make application for any permit, license or other right necessary thereto, he shall give notice thereof by publishing once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which such project is located a statement of intention setting forth the general nature, extent and location of the project. If any public utility in the state or any operating agency desires to construct such facility, such utility or operating agency shall notify the director of conservation thereof within ten days after the last date of publication of such notice. If the director of conservation determines that it is in the best public interest that the director of conservation proceed with such construction rather than the public utility or operating agency, he shall so notify the director of commerce and economic development, who shall set a date for hearing thereon. If after considering the evidence introduced the director of commerce and economic development finds that the public utility or operating agency making the request intends to immediately proceed with such construction and is financially capable of carrying out such construction and further finds that the plan of such utility or operating agency is equally well adapted to serve the public interest, he shall enter an order so finding and such order shall divest the director of conservation of authority to proceed further with such construction or acquisition until such time as the other public utility or agency voluntarily causes an assignment of its right or interest in the project to the director of conservation or fails to procure any further required governmental permit, license or authority or having procured such, has the same revoked or withdrawn, in accordance with the laws and regulations of such governmental entity, in which event the director of conservation shall have the same authority to proceed as though the director had originally entered an order so authorizing the director of conservation to proceed. If, after considering the evidence introduced, the director of commerce and economic development finds that the public utility or agency making the request does not intend to immediately proceed with such construction or acquisition or is not financially capable of carrying out such construction or acquisition, or finds that the plan of such utility or operating agency is not equally well adapted to serve the public interest, he shall then enter an order so finding and authorizing the director of conservation to proceed with the construction or acquisition of the facility.

43.21.270 ———Powers of director in constructing, operating and maintaining. In order to construct, operate and maintain the single steam power electric generating plant provided for in RCW 43.21.250 the director of conservation shall have authority:

(1) To generate, produce, transmit, deliver, exchange, purchase or sell electric energy and to enter into contracts for any or all such purposes.

(2) To construct, condemn, purchase, lease, acquire, add to, extend, maintain, improve, operate, develop and regulate such steam electric power plant, work and facilities for the generation and/or transmission of electric energy and to take, condemn, purchase, lease and acquire any real or personal, public or private property, franchise and property rights, including but not limited to state, county and school lands and properties, for any of the purposes herein set forth and for any facilities or works necessary or convenient for use in the construction, maintenance or operation of such work, plant and facilities; providing that the director of conservation shall not be authorized to acquire by condemnation any plant, work and facility owned and operated by any city or district, or by a privately owned public utility.

(3) To apply to the appropriate agencies of the state of Washington, the United States or any state thereof, or to any other proper agency for such permits, licenses or approvals as may be necessary, and to construct, maintain and operate facilities in accordance with such licenses or permits, and to obtain, hold and use such licenses and permits in the same manner as any other person or operating unit.

(4) To establish rates for electric energy sold or transmitted by the director of conservation. When any revenue bonds or warrants are outstanding the director of conservation shall have the power and shall be required to establish and maintain and collect rates or charges for electric energy furnished or supplied by the director of conservation which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal and interest on such bonds or warrants and all payments which the director of conservation is obligated to set aside in any special fund or funds created for such purposes, and for the proper operation and maintenance of the public utility owned by the director of conservation and all necessary repairs, replacements and renewals thereof.

(5) To employ legal, engineering and other professional services and fix the compensation of a managing director and such other employees as the director of conservation may deem necessary to carry on its business, and to delegate to such manager or other employees such authority as the director shall determine. Such man-

ager and employees shall be appointed for an indefinite time and be removable at the will of the director.

43.21.280 ———Eminent domain. For the purpose of carrying out any or all of the powers herein granted the director of conservation shall have the power of eminent domain for the acquisition of either real or personal property used or useful in connection with the construction of facilities authorized hereunder. Actions in eminent domain pursuant to RCW 43.21.250 through 43.21.410 shall be brought in the name of the state in any court of competent jurisdiction under the procedure set out in chapter 8.04. The director of conservation may institute condemnation proceedings in the superior court of any county in which any of the property sought to be condemned is located or in which the owner thereof does business, and the court in any such action shall have jurisdiction to condemn property wherever located within the state. It shall not be necessary to allege or prove any offer to purchase or inability to agree with the owners thereof for the purchase of any such property in said proceedings. Upon the filing of a petition for condemnation, as provided in this section, the court may issue an order restraining the removal from the jurisdiction of the state of any personal property sought to be acquired by the proceedings during the pendency thereof. The court shall further have the power to issue such orders or process as shall be necessary to place the director of conservation into possession of any property condemned.

43.21.290 ———State not financially obligated — Separation and expenditure of funds. The director of conservation shall have no right or power to impose any debt nor to suffer or create any financial obligation upon the state of Washington or its subdivisions in the execution of RCW 43.21.250 through 43.21.410.

No revenues received by the director of conservation for the sale of electricity or otherwise, shall be expended except for the payment of lawful obligations of the director of conservation and all such revenues and receipts shall be kept and maintained in a separate fund.

43.21.300 ———Revenue bonds and warrants. For the purposes provided for in RCW 43.21.250 through 43.21.410, the state finance committee shall, upon being notified to do so by the director of conservation, issue revenue bonds or warrants payable from the revenues from the steam electric plant provided for in RCW 43.21.250. When the director of conservation deems it advisable that he acquire or construct said steam electric plant or make additions or betterments thereto, he shall so notify the state finance committee and he shall also notify the state finance committee as to the

plan proposed, together with the estimated cost thereof. The state finance committee, upon receiving such notice, shall provide for the construction thereof and the issuance of revenue bonds or warrants therefor by a resolution which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as nearly as may be, including as part of the cost, funds necessary for working capital for the operation of such utility and the payment of the expenses incurred in the acquisition or construction thereof. Such resolution shall specify that utility revenue bonds are to be issued to defray the cost thereof and the amount of such bonds to be issued. Bonds issued under the provisions of RCW 43.21.250 through 43.21.410 shall distinctly state that they are not a general obligation of the state.

43.21.310 ————**Special funds—Payment of bonds, interest.** When the state finance committee issues revenue bonds as provided in RCW 43.21.300, it shall, as a part of the plan and system, request the state treasurer to establish a special fund or funds to defray the cost of the steam electric utility, or additions or betterments thereto or extensions thereof. The state finance committee may obligate and bind the director of conservation to set aside and pay to the state treasurer for deposit into such fund or funds a fixed proportion of the gross revenue of the steam electric utility and all additions or betterments thereto or extensions thereof, or any fixed amount out of, and not exceeding the fixed proportion of such revenue, or a fixed amount without regard to any fixed proportion, or an amount of the revenue equal to a fixed percentage of the aggregate principal amount of revenue bonds at any time issued against the special fund or funds. It may issue and sell utility bonds payable as to both principal and interest only out of such fund or funds.

The revenue bonds shall be payable at such places and times, both as to principal and interest, and bear interest at such rates payable semiannually as the state finance committee shall determine.

43.21.320 ————**Considerations in issuance of bonds, limitations.** In the issuance of any bonds hereunder the state finance committee shall have due regard to the cost of operation and maintenance of the steam electric utility as acquired, constructed or added to, and to any proportion or amount of the revenue previously pledged as a fund for the payment of revenue bonds. It shall not require to be set aside into the fund a greater amount or proportion of the revenue than in its judgment and as agreed to by the director of conservation will be available over and above the cost of maintenance and operation and any amount or proportion of the revenue so previously pledged. Revenue bonds and interest thereon issued

against such fund shall be a valid claim of the holder thereof only as against the fund and the proportion or amount of the revenue pledged thereto, but shall constitute a prior charge over all other charges or claims whatsoever against the fund and the proportion or amount of the revenues pledged thereto. Each revenue bond shall state on its face that it is payable from a special fund, naming the fund and the resolution creating it.

43.21.330 ————Resolution authorizing issuance of bonds, contents, covenants. The resolution of the state finance committee authorizing the issuance of revenue bonds shall specify the title of the bonds as determined by the state finance committee, and may contain covenants by the committee to protect and safeguard the security and the rights of the holders thereof, including covenants as to, among other things:

(1) The purpose or purposes to which the proceeds of the sale of the revenue bonds may be applied and the use and disposition thereof;

(2) The use and disposition of the gross revenue of the steam electric utility and any additions or betterments thereto or extensions thereof, the cost of which is to be defrayed with such proceeds, including the creation and maintenance of funds for working capital to be used in the operation of the steam electric utility and for renewals and replacements thereof;

(3) The amount, if any, of additional revenue bonds payable from such fund which may be issued and the terms and conditions on which such additional revenue bonds or warrants may be issued;

(4) The establishment and maintenance of adequate rates and charges for electric power and energy and other services, facilities, and commodities, sold, furnished or supplied by the steam electric utility;

(5) The operation, maintenance, management, accounting and auditing of the electric utility;

(6) The terms upon which the revenue bonds, or any of them, may be redeemed at the election of the agency;

(7) Limitations upon the right to dispose of the steam electric utility or any part thereof without providing for the payment of the outstanding revenue bonds; and

(8) The appointment of trustees, depositaries, and paying agents to receive, hold, disburse, invest, and reinvest all or any part of the income, revenue, receipts and profits derived by the director of conservation from the operation, ownership, and management of its steam electric utility.

43.21.340 ————Sale of bonds. All bonds issued under or by authority of RCW 43.21.250 through 43.21.410 shall be sold to the

highest and best bidder after such advertising for bids as the state finance committee may deem proper. The state finance committee may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the state finance committee may deem most advantageous to its own interests. The aggregate interest cost to maturity of the money received for such an issue shall not exceed six percent per annum.

43.21.350 ——— Examination, registration of bonds by state auditor—Defects, irregularities. Prior to the issuance and delivery of any revenue bonds, such bonds and a certified copy of the resolution authorizing them shall be delivered to the state auditor together with any additional information that he may require. When the bonds have been examined they shall be registered by the auditor in books to be kept by him for that purpose, and a certificate of registration shall be endorsed upon each bond and signed by the auditor or a deputy appointed by him for the purpose. The bonds shall then be prima facie valid and binding obligations of the state finance committee in accordance with their terms, notwithstanding any defects or irregularities in the authorization and issuance of the bonds, or in the sale, execution or delivery thereof.

43.21.360 ——— Rates or charges. When revenue bonds are outstanding the director of conservation shall establish, maintain, and collect rates or charges for electric power and energy, and other services, facilities and commodities sold and supplied by the director of conservation which shall be fair and nondiscriminatory and adequate to provide revenue sufficient to pay the principal or interest on revenue bonds outstanding, and all payments which the director of conservation is obligated to make to the state treasurer for deposit in any special fund or funds created for such purpose, and for the proper operation and maintenance of the utility and all necessary repairs, replacements and renewals thereof.

43.21.370 ——— Refunding revenue bonds. When the state finance committee has outstanding revenue bonds, the state finance committee, with the concurrence of the director of conservation, may by resolution provide for the issuance of refunding revenue bonds with which to refund the outstanding revenue bonds, or any part thereof at maturity, or before maturity if they are by their terms or by other agreement, subject to call for prior redemption, with the right in the state finance committee to combine various series and issues of the outstanding revenue bonds by a single issue of refunding revenue bonds. The refunding bonds shall be payable only out of a special fund created out of the gross revenue of the steam electric utility, and shall only be a valid claim as against such special fund and the amount or proportion of the revenue of

the utility pledged to said fund. The rate of interest on refunding revenue bonds shall not exceed the rate of interest on revenue bonds refunded thereby. The state finance committee may exchange the refunding revenue bonds for the revenue bonds which are being refunded, or it may sell them in such manner as it deems for its best interest. Except as specifically provided in this section, the refunding revenue bonds shall be issued in accordance with the provisions contained in RCW 43.21.250 through 43.21.410 with respect to revenue bonds.

43.21.380 ———Signatures on bonds. All revenue bonds, including refunding revenue bonds, shall be signed by the governor and the state auditor 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 may have printed or lithographic facsimile of the signatures of such officers.

43.21.390 ———Provisions of law, resolution, a contract with bondholder—Enforcement. The provisions of RCW 43.21.250 through 43.21.410 and any resolution providing for the issuance of revenue bonds shall constitute a contract with the holder or holders from time to time of the revenue bonds of the state finance committee. Such provisions of RCW 43.21.250 through 43.21.410 and of any such resolution shall be enforceable by any such bondholders by appropriate action in any court of competent jurisdiction.

43.21.400 ———Bonds are legal security, investment, negotiable. All revenue bonds issued hereunder shall be legal securities, which may be used by a bank or trust company for deposit with the state treasurer, or by a county or city or town treasurer, as security for deposits in lieu of a surety bond under any law relating to deposits of public moneys. They shall constitute legal investments for trustees and other fiduciaries other than corporations doing a trust business in this state, and for savings and loan associations, banks and insurance companies doing business in this state. All revenue bonds and all coupons appertaining thereto shall be negotiable instruments within the meaning and for all purposes of the negotiable instruments law.

43.21.410 ———Director not authorized to acquire other facilities or engage in retail distribution. Nothing in RCW 43.21.250 through 43.21.410 shall authorize or empower the director of conservation to purchase or acquire any transmission or distribution system or facilities or to engage in the retail distribution of electric energy, or to purchase or acquire any operating hydroelectric generating plant owned by any city or district, or by a privately owned public utility, or which hereafter may be acquired by any city or district by condemnation.

Chapter 43.22**DEPARTMENT OF LABOR AND INDUSTRIES**

43.22.010 Divisions of department—Personnel. The department of labor and industries shall be organized into four divisions, to be known as, (1) the division of industrial insurance, (2) the division of safety, (3) the division of mining safety, and, (4) the division of industrial relations.

The director may appoint such clerical and other assistants as may be necessary for the general administration of the department.

43.22.020 Supervisor of industrial insurance—Appointment—Personnel. The director of labor and industries shall appoint and depute an assistant director, to be known as the supervisor of industrial insurance, who shall have charge and supervision of the division of industrial insurance.

With the approval of the director, he may appoint and employ such adjusters, medical and other examiners, auditors, inspectors, clerks, and other assistants as may be necessary to carry on the work of the division.

43.22.030 Powers and duties. The director of labor and industries, through the division of industrial insurance, shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to the administration of workmen's compensation and medical aid in this state;

(2) Have the custody of all property acquired by the state at execution sales upon judgments obtained for delinquent industrial insurance premiums or medical aid contributions, and penalties and costs; sell and dispose of the same at private sales for the sale purchase price, and pay the proceeds into the state treasury to the credit of the accident fund, or medical aid fund, as the case may be. In case of the sale of real estate the director shall execute the deed in the name of the state.

43.22.040 Supervisor of safety—Appointment—Personnel. The director of labor and industries shall appoint and depute an assistant director, to be known as the supervisor of safety, who shall have charge and supervision of the division of safety.

The supervisor of safety, 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.

43.22.050 Powers and duties. The director of labor and industries, through the division of safety, 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;

(4) Have charge and supervision of the inspection of hotels as provided by law.

43.22.060 Frequency of hotel inspection—Record. The director, through the division of safety, shall see that every hotel is inspected at least annually. The director, supervisor, or authorized representative, are given police power to enter any hotel at reasonable hours for the purpose of inspection. As used in RCW 43.22.070 through 43.22.110, the words “inspector” and “hotel inspector” mean the authorized representative of the director.

He shall keep a complete set of books, showing the condition of each hotel inspected, the name of the owner, proprietor, and manager, the number and condition of its fire escapes and any other information which might serve to better the public service. The books shall be open to public inspection.

43.22.070 Certificate of inspection. If the director finds after examination of any hotel that the law has been fully complied with, and the inspection fee has been paid to the inspector, he shall issue a certificate to that effect to the operator, which shall be kept posted up in a conspicuous place in the hotel.

43.22.080 Penalty for false certificate. Any person charged with the inspection of hotels who wilfully certifies falsely regarding any building inspected by him, and who issues a certificate to any person operating a hotel when such person has not complied with the provisions of law shall, on conviction thereof, be fined not less than fifty dollars, nor more than five hundred dollars, and may be imprisoned not to exceed one year in the county jail, or both, and upon conviction shall be forever disqualified to hold office as a hotel inspector.

43.22.090 Penalty for obstructing inspection. Any owner, manager, agent, or person in charge of a hotel who obstructs or hinders an inspector in the proper discharge of his duties under this chapter shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned for not less than ten days, nor more than three months, or both.

43.22.100 Prosecution for violations. The director, upon ascertaining that any hotel is being conducted contrary to the provisions of law shall make complaint and cause the arrest of the violator, and the prosecuting attorney in such case shall prepare all necessary papers and conduct the prosecution.

43.22.110 Fees—Collection and disposition. The hotel inspector shall collect an annual inspection fee for each hotel which shall be paid according to the following schedule:

Hotels containing from five to ten sleeping rooms inclusive, three dollars; hotels containing from eleven to twenty sleeping rooms inclusive, four dollars; hotels containing from twenty-one to sixty sleeping rooms inclusive, seven dollars; hotels containing from sixty-one to one hundred sleeping rooms inclusive, ten dollars; hotels containing over one hundred sleeping rooms, twelve dollars and fifty cents.

Such fee shall be collected by the inspector at the time of the inspection and if not paid upon demand the inspector or deputy may sue therefor in his own name for the use of the state in the superior court of the state for the county in which the hotel is situated, and in such case, the court shall allow and enter as a part of the judgment against the defendant all the costs of the action, including a reasonable fee for any attorney necessarily employed in such action by the inspector.

Such inspection fee shall be a lien on the furniture and equipment of the owner of the hotel and shall be paramount to all other liens excepting taxes and such furniture and equipment shall not be exempt from execution in the collection thereof.

All moneys collected under the provisions of this chapter shall be paid into the state treasury in the manner provided by law.

43.22.120 Division of mining safety—Composition—Chief mine inspector in charge. The division of mining safety shall consist of the state mining board, the chief state mine inspector, and not to exceed two deputy state mine inspectors.

The director of labor and industries shall appoint the members of the state mining board, and the chief state mine inspector, who shall have the qualifications provided by law.

The chief state mine inspector shall have charge of the division of mining safety, and with the approval of the director, may appoint deputy state mine inspectors, who shall have the qualifications provided by law, and may employ such clerical assistants as are necessary to carry on the work of the division.

43.22.130 Appointment of mining board—Qualifications—Oath—Compensation. The director shall appoint a state mining board to pass upon the qualifications of applicants for the positions of chief state mine inspector and deputy state mine inspectors. The board shall consist of one practical coal miner, one mine manager or superintendent, and one practical coal mining engineer, actively engaged in the practice of his profession. All members of the board shall be citizens of the United States and of the state, and shall have had at least three years' practical experience in or about coal mines of this state.

The appointments to the board shall expire on April 1, 1929, and a new board shall be appointed on that date, and every four years thereafter.

Any member may be removed by the director at any time for cause. A vacancy on the board shall be filled by the director within two months after its occurrence.

The members of the board shall take the following oath of office: "We do solemnly swear, or affirm, that we are citizens of the United States and of the state of Washington and that we will perform the duties devolving on us to the best of our ability, and that in giving or refusing certificates of competency as mine inspector, mine foreman, assistant mine foreman or fire boss, we will be governed entirely by the evidence of fitness of the applicant, as defined in the state mining laws; that we will certify all whom we find qualified, and who have passed the required examination, to the best of our knowledge and judgment."

The board members shall each receive ten dollars a day, and their actual and necessary traveling expenses for the time actually engaged in the performance of their duties, to be paid out of the general fund of the state. The expenses for stenographic work and printing of the board shall be paid in like manner.

The chief state mine inspector shall furnish, from his office maintenance fund, such blanks, blank books, stationery, and similar supplies as are needed by the board.

43.22.140 Examinations for mine inspectors. The board shall examine into the qualifications of all applicants for appointment to the position of chief state mine inspector and deputy state mine inspector, by conducting a thorough examination as to the knowledge of laws applying to mines in the state, on mine working, ventilation, gases, machinery, first aid and mine rescue work, educational standards for coal mining, and actual experience in underground mining, and acquaint itself with the person, character, habits, and general worthiness of each applicant. The general examination shall be in writing, and all papers of the applicants, together with the tally sheets solution of each question as given by the board, shall be filed with the secretary of state as public documents. The applicants shall undergo an oral examination pertaining to explosive gases, safety lamps, mine fires, mine rescue appliances, educational standards for coal mining, and general mining subjects, including the laws of the state applying to coal mines. The board shall confine the examination to questions as designated herein. All candidates shall be allowed the use of such textbooks as the board may deem proper during the examination. The board shall, immediately after the examination, furnish to each person examined, a copy of all questions, whether oral or written, which were given at the examination, each question to be marked: "Solved right"; "Imperfect"; or "Wrong," as the case may be.

Each candidate shall receive a certificate of competency showing his percentage, if he makes an average of seventy-five percent on the examination, credits to be given as follows:

Practical experience, worthiness, and general fitness.....	40 points
Written examination	40 points
Oral examination	20 points

The board shall file with the director and with the chief state mine inspector names of all persons given certificates of competency as mine inspectors: *Provided*, That anyone who has satisfactorily served as state coal mine inspector in the state for one full term of four years, upon making written application to the board setting forth these facts, shall be certified to the director and chief state mine inspector as properly qualified for appointment.

43.22.150 Exception for those passing first class certificate examination. An applicant for a license as a mine inspector who takes the examination for a first class certificate, as prescribed by law, and successfully passes such examination, shall be entitled to a

mine inspector's certificate of competency if he has the other qualifications required by law.

43.22.160 Applications for examination—Affidavit. 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 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 has a certificate of competency in mine rescue and first aid work from the United States bureau of mines. He shall also furnish an affidavit from two citizens of the state that he is a man of good repute, temperate habits, in good physical condition, and above thirty years of age.

43.22.170 Examinations at state capital—Appointment of chief and deputy inspectors. 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 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 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].

43.22.190 Salaries and expenses of inspectors—duties. The salary of chief state mine inspector shall be five thousand dollars per annum, and the salary of each deputy state mine inspector shall be such sum as shall be fixed by the director of labor and industries, not to exceed four thousand four hundred dollars per annum. The chief inspector and his deputies shall be allowed their necessary expenses for office maintenance, stenographic services, and for equipment and instruments, as well as for actual and necessary traveling expenses while in the performance of their duties, under the provisions of this act [1917 c 36]. The state treasurer is hereby authorized and directed to draw his warrant on the state treasury in favor of the chief state mine inspector and his deputies for the amounts due them for their salaries monthly, and also for their expenses, upon proper vouchers, to be paid out of any moneys in the state treasury appropriated for that purpose.

The chief state mine inspector and his deputies shall devote their entire time to the duties of their respective offices; they shall have no financial interest, direct or indirect, in any mine under the supervision of the division of mining safety.

The chief state mine inspector and his deputies shall, before entering upon the discharge of their duties, each take an oath to discharge their duties impartially and with fidelity and to the best of their knowledge and ability.

It shall be the duty of the chief state mine inspector and his deputies to enforce the provisions of this act [1917 c 36], for the regulation of coal mines, and the educational standards for coal mines and coal mining, unless enforcement is otherwise especially provided for.

43.22.200 Right of entry to inspect. The chief inspector 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.

43.22.210 Frequency of inspections—Compelling access—Investigations—Removal of offending inspectors. (1) It shall be the duty

of the said inspector 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 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 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 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 shall notify the management, stating what changes are necessary. If the trouble is not corrected within reasonable time, the inspector shall, through the prosecuting attorney of the county in which the mine is located, 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: *Provided, also*, That should any inspector 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 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 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 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 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.

(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 [1917 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.

43.22.250 Annual reports. The chief state mine inspector shall transmit an annual report of the division of mining safety for the

previous calendar year to the director, on or before the first day of March in each year.

The director shall see that the report is placed in the hands of the state printer for publication and that at least two thousand copies thereof are printed, before the 1st of April of each year.

43.22.260 Supervisor of industrial relations — Appointment— Personnel. The director of labor and industries shall appoint and deputize 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.

43.22.270 Powers and duties. 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, 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.

43.22.280 Industrial welfare committee—Powers and duties. The director of labor and industries, the supervisor of industrial insurance, the supervisor of industrial relations, the industrial statistician, 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.

43.22.290 Reports by employers. Every owner, operator, or manager of a factory, workshop, mill, mine, or other establishment where labor is employed, shall make to the department, upon blanks furnished by it, such reports and returns as the department may require, for the purpose of compiling such labor statistics as are authorized by this chapter, and the owner or business manager shall make such reports and returns within the time prescribed therefor by the director, and shall certify to the correctness thereof.

In the reports of the department no use shall be made of the names of individuals, firms, or corporations supplying the information called for by this section, such information being deemed confidential, and not for the purpose of disclosing personal affairs, and any officer, agent, or employee of the department violating this provision shall be fined a sum not exceeding five hundred dollars, or be imprisoned for not more than one year.

43.22.300 Compelling attendance of witnesses and testimony. The director may issue subpoenas, administer oaths and take testimony in all matters relating to the duties herein required, such testimony to be taken in some suitable place in the vicinity to which testimony is applicable.

Witnesses subpoenaed and testifying before any officer of the department shall be paid the same fees as witnesses before a superior court, such payment to be made from the funds of the department.

Any person duly subpoenaed under the provisions of this section who wilfully neglects or refuses to attend or testify at the time and place named in the subpoena, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less

than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not exceeding thirty days.

43.22.310 Access to plants—Penalty for refusal. The director or any employee of the department of labor and industries may enter any factory, mill, office, workshop, or public or private works at any time for the purpose of gathering facts and statistics as provided by this chapter, and examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places and make a record thereof, and any owner or occupant of such factory, mill, office or workshop, or public or private works, or his agent who refuses to allow an inspector or employee of the department to enter, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not to exceed ninety days.

43.22.320 Joint hearings—Appeals. The director of labor and industries, the supervisor of industrial insurance, and the supervisor of safety shall jointly hear and decide, by a majority vote, all matters arising in either the division of industrial insurance or the division of safety, which the director of labor and industries or the supervisor of industrial insurance or the supervisor of safety, respectively, deems to be of sufficient importance to require their joint action, and hear and decide, by a majority vote, any matter concerning which any person affected by the decision of either the supervisor of industrial insurance or the supervisor of safety shall, by request in writing, ask for a joint decision. Nothing herein contained shall be construed to deprive any person feeling himself aggrieved by any decision of either the director of labor and industries, the supervisor of industrial insurance or the supervisor of safety, or by any joint decision, of the right of appeal therefrom to a court of competent jurisdiction in the manner provided by law.

43.22.330 Biennial report. The director of labor and industries shall submit to the governor on or before the first Monday in January of each year in which the legislature regularly convenes a report of business transacted by the department during the preceding two year period, together with such statistics and information as he deems of public interest and such recommendations as he believes merit consideration in the interest of improved administration.

Chapter 43.23

DEPARTMENT OF AGRICULTURE

43.23.010 Divisions of department. The department of agriculture shall be organized into six divisions, to be known as, (1) the

division of agriculture, (2) the division of horticulture, (3) the division of dairy and livestock, (4) the division of foods, feeds and drugs, (5) the division of weights and measures, and (6) a regulatory division.

The director of agriculture shall have charge and general supervision of the department.

43.23.020 Supervisor of agriculture—Appointment—Personnel.

The director of agriculture shall appoint and deputize an assistant director to be known as the supervisor of agriculture, who shall have charge and supervision of the division of agriculture.

With the approval of the director, he may appoint and employ such inspectors and clerical and other assistants, as may be necessary to carry on the work of the division.

43.23.030 Powers and duties. The director of agriculture, through the division of agriculture, shall:

(1) Exercise all the powers and perform all the duties relating to the state fair, commercial fertilizers, surveys and classifications of lands, quarantine measures for the protection of any agricultural crops, forest trees, forest products, or other products not otherwise protected by law, agricultural and vegetable seeds, and growing crops thereof;

(2) Require all subordinate field officers, inspectors, and employees of the department to observe and report the existence of weeds liable to become a pest and detrimental to the agricultural interests of any portion of the state, giving the nature, location, and extent thereof;

(3) When in his judgment any weeds are or may become noxious as defined by law, notify the auditor of the county in which such weeds are found, and the clerk of each city in such county, giving the name and the description of the weeds and the locality in which they are found in the county, and the county auditor and city clerks shall publish notice of the existence of such weeds, giving the name and the description thereof and the locality in which they are found in the county;

(4) Notify the road supervisor of any road district in which noxious weeds are found, and the county commissioners of the county, of the presence of such weeds, giving the name and the description thereof and the locality in which they are found, and every road supervisor and the board of county commissioners so notified shall enforce the law for protection against the spread of such noxious weeds and the destruction thereof;

(5) Exercise all the powers and perform all the duties relating to grains, hay, peas, hops, grain and hay products, malt, peanuts,

flax, and seeds, and regulate the rates, service, and facilities of grain and terminal warehouses in relation thereto;

(6) Exercise all the powers and perform all the duties prescribed by law in respect to farm marketing;

(7) Enforce and supervise the administration of all laws relating to agriculture, agricultural products, and agricultural interests.

43.23.040 Supervisor of horticulture—Appointment—Personnel.

The director of agriculture shall appoint and depute an assistant director, to be known as the supervisor of horticulture, who shall have charge and supervision of the division of horticulture.

With the approval of the director, he may appoint and depute such inspectors, and employ such clerical and other assistants, as may be necessary to carry on the work of the division.

43.23.050 Powers and duties. The director of agriculture, through the division of horticulture, shall:

(1) Exercise all the powers and perform all the duties prescribed by law relating to horticulture, and horticultural plants and products;

(2) Enforce and supervise the administration of all laws relating to horticulture, horticultural products, and horticultural interests.

43.23.060 Supervisor of dairy and livestock—Appointment—Personnel. The director of agriculture shall appoint and depute an assistant director, to be known as the supervisor of dairy and livestock, who shall have charge and supervision of the division of dairy and livestock.

With the approval of the director, he may appoint and depute such veterinarians, testers, and inspectors, and employ such clerical and other assistants, as may be necessary to carry on the work of the division.

43.23.070 Powers and duties. The director of agriculture, through the division of dairy and livestock, shall exercise all the powers and perform all duties prescribed by law relating, (1) to diseases among domestic animals and the quarantine and destruction of diseased animals; (2) to milk and milk products, and dairies and dairy products; and (3) to the registration of stallions and jacks.

He shall enforce and supervise the administration of all laws relating to dairies, dairy products, livestock, and dairy and livestock interests.

43.23.080 Supervisor of foods, feeds and drugs. The director of agriculture shall appoint and depute an assistant director, to be known as the supervisor of foods, feeds and drugs, who shall have charge and supervision of the division of foods, feeds and drugs.

With the approval of the director, he may appoint and deputize such inspectors, and employ such clerical and other assistants, as may be necessary to carry on the work of the division.

43.23.090 Powers and duties. The director of agriculture, through the division of foods, feeds and drugs, shall:

(1) Exercise all powers and perform all duties prescribed by law with respect to the inspection of foods, food products, drinks, drugs, and concentrated commercial feeding stuffs;

(2) Exercise all powers and perform all duties prescribed by law with respect to bakeries and bake shops;

(3) Enforce and supervise the administration of all laws relating to foods, food products, drinks, feeds, and drugs, and their inspection, manufacture, and sale.

43.23.100 Supervisor of weights and measures. The director of agriculture shall appoint and deputize an assistant director, to be known as the supervisor of weights and measures, who shall have charge and supervision of the division of weights and measures.

With the approval of the director, he may appoint and deputize such sealers, testers, and inspectors, and employ such clerical and other assistants, as may be necessary to carry on the work of the division.

43.23.110 Powers and duties. The director of agriculture, through the division of weights and measures, shall exercise all powers and perform all duties prescribed by law with respect to weights and measures.

43.23.120 Bulletins and reports. The director of agriculture shall publish and distribute bulletins and reports embodying information upon the subjects of agriculture, horticulture, livestock, dairying, foods and drugs and other matters pertaining to his department.

43.23.130 Biennial report. The director of agriculture shall make a report to the governor, at least thirty days before the commencement of each biennial session of the legislature, containing an account of all matters pertaining to his department and its administration, which shall be printed and published in the manner provided by law.

43.23.140 Official misconduct—Penalty. It shall be unlawful for the director, or any supervisor, assistant, inspector, or other employee to be interested, directly or indirectly, either as owner, agent, or solicitor, in the sale or purchase of any article, commodity, or product used or produced by any person with whom he may come in contact in his official capacity. Any person violating this section shall be guilty of a gross misdemeanor.

43.23.150 Regulatory division—Personnel—Police power. The director of agriculture shall appoint such assistants, officers, inspectors and other employees as may be necessary for the administration of the affairs of this division and all such assistants, officers and inspectors so appointed shall have the authority generally vested in a peace officer.

43.23.160 Regulatory division—Powers. The regulatory division hereby established shall have the power to enforce all laws relating to any division under the supervision of the director of agriculture.

Chapter 43.24

DEPARTMENT OF LICENSES

43.24.010 Authority of director—Personnel. The director of licenses shall have charge and general supervision of the department of licenses.

He may appoint such clerical and other assistants as may be necessary to carry on the work of the department, deputize one or more of such assistants to perform duties in the name of the director, and designate one assistant as chief clerk and secretary of the department.

43.24.020 Powers and duties. The director of licenses shall administer all laws with respect to the examination of applicants for, and the issuance of, licenses to persons to engage in any business, profession, trade, occupation, or activity, except the receipt of fees.

This shall include the administration of all laws pertaining to the regulation of securities and speculative investments.

43.24.030 "License" defined. The word "license" shall be construed to mean and include license, certificate of registration, certificate of qualification, certificate of competency, certificate of authority, and any other instrument, by whatever name designated, authorizing the practice of a profession or calling, the carrying on of a business or occupation, or the doing of any act required by law to be authorized by the state.

43.24.040 Forms to be prescribed. The director of licenses shall prescribe the various forms of applications, certificates, and licenses required by law.

43.24.050 Applications for licenses. All applications for licenses and for renewals thereof shall be filed with the state treasurer, together with the fee required to be paid in advance, and the state treasurer, on the next business day after the receipt of any such application and fee, shall transmit the application, accompanied by

his duplicate receipt for the fee, to the department of licenses, and deposit in the state treasury to the credit of the proper fund the moneys received as advance fees for licenses and renewals remaining on hand at the close of the preceding business day, after making all corrections and refunding all overpayments.

Upon the receipt of any application for a license or a renewal thereof, accompanied by the treasurer's duplicate receipt for the advance fee, the director of licenses shall prepare and issue to the applicant the license or renewal applied for, signed by the director and attested by the secretary under the seal of the department of licenses.

43.24.060 Examination. The director of licenses shall, from time to time, fix such times and places for holding examinations of applicants as may be convenient, and adopt general rules and regulations prescribing the method of conducting examinations.

The governor, from time to time, upon the request of the director of licenses, shall appoint examining committees, composed of three persons possessing the qualifications provided by law to conduct examinations of applicants for licenses to practice the respective professions or callings for which licenses are required.

The committees shall prepare the necessary lists of examination questions, conduct the examinations, which may be either oral or written, or partly oral and partly written, and shall make and file with the director of licenses lists, signed by all the members conducting the examination, showing the names and addresses of all applicants for licenses who have successfully passed the examination, and showing separately the names and addresses of the applicants who have failed to pass the examination, together with all examination questions and the written answers thereto submitted by the applicants.

Each member of a committee shall receive ten dollars per day for each day spent in conducting the examination and in going to and returning from the place of examination, and his actual and necessary traveling expenses.

43.24.070 Procedure as to fees. All applications for examination shall be filed with the state treasurer, together with the fee required to be paid in advance of the examination, and the state treasurer, on the next business day after the receipt of any application and fee, shall transmit the application, accompanied by his duplicate receipt for the fee, to the department of licenses, and deposit in the state treasury to the credit of the proper funds the moneys received as advance fees for examinations on hand at the close of the preceding business day, after making all corrections and refunding all sums authorized to be refunded.

The secretary of the department of licenses, upon the receipt of an application accompanied by the treasurer's duplicate receipt for the advance fee, shall notify the applicant of the day and place of the next ensuing examination.

43.24.080 Issuance of licenses. At the close of each examination the secretary of the department of licenses shall prepare the proper licenses, where no further fee is required to be paid, and issue licenses to the successful applicants signed by the director and attested by the secretary under the seal of the department, and notify all successful applicants, where a further fee is required, of the fact that they are entitled to receive such license upon the payment of such further fee to the state treasurer, and notify all applicants who have failed to pass the examination of that fact.

The state treasurer, upon the receipt of any such further fee, shall transmit his duplicate receipt therefor to the department of licenses, and the secretary, upon receipt thereof, shall prepare and issue to the successful applicants the licenses in the manner provided for the issuance of licenses at the close of examinations.

In all cases where an unsuccessful applicant is entitled to a refund of any portion of the advance fee paid, the secretary of the department shall certify that fact to the state treasurer, and the state treasurer shall refund the amount provided by law out of the current receipts of advance fees for examinations.

43.24.090 Examination of handicapped persons. Any person taking any written examination prescribed or authorized by law, for a license or permit to practice any trade, occupation, or profession, who, because of any handicap, is unable to write the examination himself, may dictate it to and have it written or typed by another, to the same effect as though the examination were written out by himself. Any expense connected therewith shall be borne by the person taking the examination.

43.24.100 Notice to renew licenses. The secretary of the department of licenses, on or before thirty days prior to the renewal date of any license shall notify the holder of such renewal date, the amount of the renewal fee required, and that such fee shall be paid to the state treasurer.

Upon the next business day after the receipt of any renewal fee, the state treasurer shall transmit his duplicate receipt therefor to the department of licenses and, after making all corrections and refunding all overpayments, shall deposit the balance to the credit of the proper funds.

Upon receiving such duplicate treasurer's receipt the secretary of the department of licenses shall prepare the proper renewal

certificate, signed by the director of licenses and attested by the secretary under the seal of the department, and issue it to the licensee.

43.24.110 Revocation of licenses—Hearing. Whenever there is filed with the director of licenses any complaint charging that the holder of a license has been guilty of any act or omission which by the provisions of the law under which the license was issued would warrant the revocation thereof, verified in the manner provided by law, the director of licenses shall request the governor to appoint, and the governor shall appoint, two qualified practitioners of the profession or calling of the person charged, who, with the director, shall constitute a committee to hear and determine the charges and, in case the charges are sustained, impose the penalty provided by law. The decision of any two members of such committee shall be the decision of the committee.

The appointed members of the committee shall receive ten dollars per day for each day spent in the performance of their duties and in going to and returning from the place of hearing, and their actual and necessary traveling expenses.

43.24.120 Appeal. Any person feeling aggrieved by the refusal of the director to issue a license, or to renew one, or by the revocation or suspension of a license shall have a right of appeal from the decision of the director of licenses to the superior court of Thurston county, which shall be taken, prosecuted, heard, and determined in the manner provided by law for appeals from justices' courts to superior courts.

No appeal shall lie from the decision of the superior court of Thurston county on appeals from the director of licenses, but the decision may be reviewed as to matters of law by the supreme court upon writs of review sued out in the manner provided by law.

43.24.130 License moratorium for persons in service. Notwithstanding any provision of law to the contrary, the license of any person licensed by the director of licenses to practice a profession or engage in an occupation, if valid and in force and effect at the time the licensee entered service in the armed forces or the merchant marine of the United States, shall continue in full force and effect so long as such service continues, unless sooner suspended, canceled, or revoked for cause as provided by law. The director shall renew the license of every such person who applies for renewal thereof within six months after being honorably discharged from service upon payment of the renewal fee applicable to the then current year or other license period.

Chapter 43.25**DEPARTMENT OF FISHERIES**

43.25.010 Section 10, chapter 207, Laws of 1953 and RCW 43.25-.010 are each redesignated as RCW 75.08.014 and added to chapter 12, Laws of 1955 and Title 75 RCW to read as follows:

75.08.014 Authority of director—Qualifications. The director of fisheries shall have charge and general supervision of the department of fisheries, and shall exercise all the powers and perform all the duties prescribed by law with respect to food fish and shellfish.

No person shall be eligible to appointment as, or to hold the office of, director of fisheries, unless he has general knowledge of commercial fishing conditions and of the fishing industry in this state, and has no financial interest in the fishing industry or any industry directly connected therewith.

43.25.020 Section 3, chapter 112, Laws of 1949 and RCW 43-.25.020 are each redesignated as RCW 75.08.012 and added to chapter 12, Laws of 1955 and Title 75 RCW to read as follows:

75.08.012 Duties of the department. It shall be the duty and purpose of the department of fisheries to preserve, protect, perpetuate and manage the food fish and shellfish in the waters of the state and the offshore waters thereof to the end that such food fish and shellfish shall not be taken, possessed, sold or disposed of at such times and in such manner as will impair the supply thereof.

43.25.030 Section 4, chapter 112, Laws of 1949 and RCW 43-.25.030 are each redesignated as RCW 75.08.022 and added to chapter 12, Laws of 1955 and Title 75 RCW to read as follows:

75.08.022 Director may employ assistants—Merit basis. The director shall have power to appoint, employ or deputize superintendents, inspectors, engineers, patrolmen and such clerical, technical, scientific and other assistants as may be necessary to carry on the work of the department. Such personnel, except the confidential secretary of the director, shall be employed on a basis of merit and in accordance with the rules and regulations of the state personnel board as established in RCW 41.06.030.

43.25.040 Section 11, chapter 112, Laws of 1949 and RCW 43-.25.040 are each redesignated as RCW 75.08.023 and added to chapter 12, Laws of 1955 and Title 75 RCW to read as follows:

75.08.023 Employees may be bonded. Each employee of the department if required by the director, shall give a bond to the state with a surety company authorized to do business in this state as

surety in the sum of two thousand dollars conditioned for the faithful performance of his duties, the cost of bond to be paid by the state.

43.25.045 Section 13, chapter 207, Laws of 1953 and RCW 43-.25.045 are each redesignated as RCW 75.08.203 and added to chapter 12, Laws of 1955 and to Title 75 RCW to read as follows:

75.08.203 Insurance against actions for false arrest. The director of fisheries, and all appointees and employees of the department of fisheries who have powers of arrest shall, at the direction of the director of fisheries, be insured against actions for false arrest arising from arrests made while in the act of carrying out their assigned duties. The premiums on all such policies issued are to be paid from funds appropriated to the department of fisheries.

43.25.047 Section 14, chapter 207, Laws of 1953 and RCW 43-.25.047 are each redesignated as RCW 75.08.206 and added to chapter 12, Laws of 1955 and to Title 75 RCW to read as follows:

75.08.206 Peace officer compensation insurance—Medical aid. The director of fisheries shall procure compensation insurance for all employees of the department of fisheries engaged as peace officers, insuring such employees against injury or death incurred in the course of their employment as such peace officers when such employment involves the performance of duties not covered under the workmen's compensation act of the state of Washington. The beneficiaries and the compensation and benefits under such insurance shall be the same as provided in RCW 51.32.005 to 51.32.170, and said insurance also shall provide for medical aid and hospitalization to the extent and amount as provided in RCW 51.36.010 and 51.36.020.

43.25.048 Section 1, chapter 216, Laws of 1957 and RCW 43-.25.048 are each redesignated as RCW 75.08.024 and added to chapter 12, Laws of 1955 and to Title 75 RCW to read as follows:

75.08.024 Fisheries patrol officers—Relieved from active duty when injured—Compensation. The director shall, and he is hereby authorized to, relieve from active duty fisheries patrol officers who, while in the performance of their official duties, have been injured or may hereafter be injured to such an extent as to be incapable of active service. Such employees shall receive one-half of their compensation at the existing wage, during the time such disability continues in effect, less any compensation received through the provisions of RCW 41.40.200, RCW 41.40.220 and RCW 75.08.206.

43.25.060 Section 9, chapter 112, Laws of 1949 and RCW 43-.25.060 are each redesignated as RCW 75.08.021 and added to chapter 12, Laws of 1955 and to Title 75 RCW to read as follows:

75.08.021 May administer oaths. The director, or those authorized by him, may administer oaths in any matter connected with the

duties of his office, and may require any report, statement or application made or submitted to the department to be made under oath.

43.25.070 Section 24, chapter 112, Laws of 1949 and RCW 43.25.070 are each redesignated as RCW 75.08.275 and added to chapter 12, Laws of 1955 and to Title 75 RCW to read as follows:

75.08.275 Duty of attorney general when prosecuting attorney defaults. If any person violates any of the provisions of the fisheries law or any regulation of the director, and the prosecuting attorney of the county wherein such violation occurs shall, after information has been given him by the director, fail within thirty days thereafter to file an information against such alleged violator, the attorney general, when requested by the director, may file an information in the superior court of such county in the place and stead of the prosecuting attorney and prosecute the case.

Chapter 43.30

DEPARTMENT OF NATURAL RESOURCES

43.30.010 Purpose. The purpose of this chapter is to provide for more effective and efficient management of the forest and land resources in the state by consolidating into a department of natural resources certain powers, duties and functions of the division of forestry of the department of conservation and development, the board of state land commissioners, the state forest board, all state sustained yield forest committees, director of conservation and development, state capitol committee, director of licenses, secretary of state, tax commission and commissioner of public lands.

43.30.020 Definitions. For the purpose of this chapter, except where a different interpretation is required by the context:

- (1) "Department" means the department of natural resources;
- (2) "Board" means the board of natural resources;
- (3) "Administrator" means the administrator of the department of natural resources;
- (4) "Supervisor" means the supervisor of natural resources;
- (5) "Agency" and "state agency" means any branch, department, or unit of the state government, however designated or constituted;
- (6) "Commissioner" means the commissioner of public lands.

43.30.030 Department created. The department of natural resources is hereby created, to consist of a board of natural resources, an administrator and a supervisor.

43.30.040 Board of natural resources—Composition. The board shall consist of five members: The governor, the superintendent of

public instruction, the commissioner of public lands, the dean of the college of forestry of the University of Washington and the director of the institute of agricultural sciences of Washington State University.

43.30.050 Administrator of department. The commissioner of public lands shall be the administrator of the department.

43.30.060 Supervisor of natural resources—Appointment. The supervisor shall be appointed by the administrator with the advice and consent of the board. He shall serve at the pleasure of the administrator.

43.30.070 Powers, duties, functions of certain state agencies transferred to department—Agencies abolished. The department shall exercise the powers, duties and functions of the following state agencies, and the said agencies are hereby abolished and all of their powers, duties and functions are transferred to the department of natural resources: The division of forestry of the department of conservation and development, the board of state land commissioners, the state forest board and all state sustained yield forest committees.

43.30.080 Department to exercise certain powers and duties—Director of conservation and development. The department shall exercise the powers, duties and functions of the director of conservation and development with respect to forestry powers, duties and functions as set forth in Title 76, and such powers, duties and functions are hereby transferred to the department.

43.30.090 ———State capitol committee. The department shall exercise the powers, duties and functions of the state capitol committee with respect to capitol building lands and resources thereon as set forth in RCW 79.24.010 through 79.24.090, and such powers, duties and functions are hereby transferred to the department.

43.30.100 ———Director of licenses and other agencies with respect to Christmas trees. The department shall exercise the powers, duties and functions of the director of licenses and all other state agencies with respect to the harvesting and export of Christmas trees, as set forth in chapter 19.12, and such powers, duties and functions are hereby transferred to the department.

43.30.110 ———Secretary of state. The department shall exercise all of the powers, duties and functions of the secretary of state with respect to: (1) Booming companies, under the provisions of chapter 76.28; (2) log driving companies, under the provisions of chapter 76.32; (3) log marks and brands, under the provisions of

chapter 76.36, and such powers, duties and functions are hereby transferred to the department.

43.30.120 ————**Director of licenses, tax commission with respect to log patrols.** The department shall exercise the powers, duties and functions of the director of licenses and the tax commission of the state of Washington with respect to log patrols, as set forth in chapter 76.40, and such powers, duties and functions are hereby transferred to the department.

43.30.130 ————**Commissioner of public lands.** The department shall exercise all of the powers, duties and functions now vested in the commissioner of public lands and such powers, duties and functions are hereby transferred to the department: *Provided*, That nothing herein contained shall effect his ex officio membership on any committee provided by law.

43.30.140 ————**Sustained yield forests.** All sustained yield forests established by RCW 79.56.010 shall be managed and administered by the department of natural resources.

43.30.150 Powers and duties of board—Personnel—Advisory committees—Organization—Expenses. The board shall:

(1) Perform all the duties relating to appraisal, appeal, approval and hearing functions heretofore performed by the board of state land commissioners, the state forest board and the capitol committee to the extent such functions are transferred to the department;

(2) Establish policies to insure that the acquisition, management and disposition of all lands and resources within the department's jurisdiction are based on sound principles designed to achieve the maximum effective development and use of such lands and resources consistent with laws applicable thereto;

(3) Constitute the board of appraisers provided for in article 16, section 2 of the state Constitution;

(4) Constitute the commission on harbor lines provided for in article 15, section 1 of the state Constitution as amended;

(5) Hold regular monthly meetings at such times as it may determine, and such special meetings as may be called by the chairman or majority of the board membership upon written notice to all members thereof: *Provided*, That the board may dispense with any regular meetings, except that the board shall not dispense with two consecutive regular meetings;

(6) Adopt and enforce such rules and regulations as may be deemed necessary and proper for carrying out the powers, duties and functions imposed upon it by this chapter;

(7) Employ and fix the compensation of such technical, clerical and other personnel as may be deemed necessary for the performance of its duties;

(8) Appoint such advisory committees as it may deem appropriate to advise and assist it to more effectively discharge its responsibilities. The members of such committees shall receive no compensation, but shall be entitled to reimbursement for actual and necessary expenses in attending committee meetings on the same basis as state officers and employees generally;

(9) Meet and organize within thirty days after March 6, 1957 and on the third Monday of each January following a state general election at which the elected ex officio members of the board are elected. The board shall select its own chairman. The commissioner of public lands shall be the secretary of the board. The board may select a vice chairman from among its members. In the absence of the chairman and vice chairman at a meeting of the board, the members shall elect a chairman pro tem. No action shall be taken by the board except by the agreement of at least three members. The department and the board shall maintain its principal office at the capital;

(10) Be entitled to reimbursement individually for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided by law for state officers and employees generally.

43.30.160 Powers and duties of administrator—Personnel. The administrator shall have responsibility for performance of all the powers, duties and functions of the department except those specifically assigned to the board. In the performance of his powers, duties and functions, the administrator shall conform to policies established by the board, and may employ and fix the compensation of such personnel as may be required to perform the duties of his office.

43.30.170 Powers and duties of supervisor—Personnel—Bond. The supervisor shall:

(1) Be charged with the direct supervision of the department's activities as delegated to him by the administrator;

(2) Perform his duties in conformance with the policies established by the board;

(3) Organize the department, with approval of the administrator, into such subordinate divisions as he may deem appropriate for the conduct of its operations;

(4) Employ and fix the compensation of such technical, clerical and other personnel as may be required to carry on activities under his supervision;

(5) Delegate by order any of his powers, duties and functions to one or more deputies or assistants as he may desire;

(6) Furnish before entering upon his duties a surety bond payable to the state in such amount as may be determined by the board, conditioned for the faithful performance of his duties and for his accounting of all moneys and property of the state that may come into his possession or under his control by virtue of his office.

43.30.180 Oaths may be administered by supervisor and deputies. The supervisor and his duly authorized deputies may administer oaths.

43.30.190 Validation of acts of other agencies. Neither the abolishment or transfer of any agency, nor any transfer of powers, duties and functions, as provided in this chapter, shall affect the validity of any act performed by such agency or any officer or employee thereof prior to the taking effect of this chapter.

43.30.200 Administrator to report to legislature and governor—To recommend legislation. The administrator shall submit to the governor and to the legislature, on or before the last day of December immediately preceding each regular session of the legislature and at other times when required by the governor, a written report of the work of the department, including a statement of the expenditures thereof, with such recommendations for legislation as the department may deem advisable for the better management of the lands, forests, and other natural resources of the state.

43.30.210 Administrator may designate substitute for member of board, commission, etc. When any officer, member, or employee of an agency abolished by provisions of this chapter is, under provisions of existing law, designated as a member ex officio of another board, commission, committee, or other agency, and no provision is made in this chapter with respect to a substitute, the administrator shall designate the officer or other person to serve hereafter in that capacity.

43.30.220 Disposition of property, records, etc., of abolished or transferred agencies. Upon the taking effect of this chapter and the organization of the department, the responsible head of each agency abolished or transferred in whole or in part to the department by this chapter, shall deliver to the department all books, documents, records, papers, files, or other writings, all cabinets, furniture, office equipment, motor vehicles, and other tangible property and all funds in its custody or under its control, used or held in the exercise of the powers and the performance of the duties and functions so transferred, along with all pending business before such agency: *Provided*, That, if the books, documents, records,

papers, files and other writings pertaining to a function transferred by this chapter to the department from agencies not abolished by this chapter are considered by the head of the agency from which such transfer is made to be essential to the performance of duties retained by such agency, the agency head may deliver to the department certified copies of such books, documents, records, papers, files and other writings.

43.30.230 Transfer of appropriations of agencies abolished. The appropriations made to the various agencies abolished by this chapter shall be transferred to and made available to the department of natural resources. Appropriations for the exercise of powers, duties and functions transferred to the department from agencies that are not abolished by this chapter shall be transferred to and made available to the department in accordance with the provisions of RCW 43.30.240.

43.30.240 Transfer of equipment, funds, appropriations from agencies not abolished—Apportionment by director of budget. The transfer of equipment, funds and appropriations from agencies that are not abolished by this chapter to the department, as provided in RCW 43.30.220 and 43.30.230, shall be accomplished in accordance with apportionments among the several agencies by the director of the budget, who shall have due consideration to the total of the appropriations to the several agencies, the size and nature of the functions to be transferred and the feasibility of segregating such equipment to the various functions. The director of the budget shall certify such apportionments to the agencies affected and to the state auditor, the state treasurer and department of general administration, each of whom shall make the appropriate transfers and adjustments in their funds and appropriation accounts and equipment records in accordance with such certification.

43.30.250 Property transactions, restrictive conveyances, highway purpose—Existing law to continue. Nothing in this chapter shall be interpreted as changing existing law with respect to:

(1) Property given to a state agency on restrictive conveyance with provision for reversion to the grantor or for the vesting of title in another if and when such property is not used by the agency concerned for the stipulated purposes;

(2) Land or other property acquired by any state agency for highway purposes.

43.30.260 Real property—Services and facilities available to other state agencies, cost. Upon request by any state agency vested by law with the authority to acquire or manage real property, the department shall make available to such agency the facilities and

services of the department of natural resources with respect to such acquisition or management, upon condition that such agency reimburse the department for the cost of such services.

43.30.270 Employees—Applicability of merit system. All employees of the department of natural resources shall be governed by any merit system which is now or may hereafter be enacted by law governing such employment.

43.30.280 Natural resources equipment fund—Authorized—Purposes—Expenditure. A revolving fund in the custody of the state treasurer, to be known as the natural resources equipment fund, is hereby created to be expended by the department of natural resources without appropriation solely for the purchase of equipment, machinery, and supplies for the use of the department and for the payment of the costs of repair and maintenance of such equipment, machinery, and supplies.

43.30.290 ————Reimbursement. The natural resources equipment fund shall be reimbursed by the department of natural resources for all moneys expended from it. Reimbursement may be prorated over the useful life of the equipment, machinery, and supplies purchased by moneys from the fund. Reimbursement may be made from moneys appropriated or otherwise available to the department for the purchase, repair and maintenance of equipment, machinery, and supplies and shall be prorated on the basis of relative benefit to the programs. For the purpose of making reimbursement, all existing and hereafter acquired equipment, machinery, and supplies of the department shall be deemed to have been purchased from the natural resources equipment fund.

Chapter 43.31

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

43.31.010 Declaration of policy. It is hereby declared to be the public policy of the legislature of the state of Washington to continue, and to accelerate the orderly growth of the economy of the state; not only to preserve, but also to increase the economic well-being of its citizens and its commerce: The legislature thereby determines that it is in the public interest, for the public good and the general welfare of the citizens of the state to establish a department of commerce and economic development. Through research and promotion the department shall foster the most desirable growth and diversification of industry and commerce possible, and the attraction of visitors to the state.

43.31.020 Department established. There is established a department of state government to be known as the department of commerce and economic development.

43.31.030 Director—Appointment, term, salary. The executive head of the department shall be the director of commerce and economic development. He shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. He shall be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040.

43.31.040 Divisions of department—Supervisors, assistants. The department of commerce and economic development shall be organized into divisions, including (1) the industrial development division, (2) the tourist promotion division, (3) the research division, and others as required.

The director of commerce and economic development may appoint such division supervisors, and clerical supervisors and other assistants as may be necessary for the general administration of the department.

43.31.050 Powers and duties—Tourist promotion division. The director of commerce and economic development, through the tourist promotion division shall:

(1) Conduct promotion of the state, other than that carried on or planned by the various departments or other political subdivisions within the state, for the purpose of attracting visitors to the state, and encouraging tourist expansion in the state;

(2) Formulate, supervise, and carry out a continuous factual information program for the promotion of the state;

(3) Assemble and distribute such data, statistics, information, and exhibits as will publicize and popularize the advantages of the state;

(4) Take active steps by sending representatives to other areas and by inviting representatives from other areas for the purpose of attracting visitors, inviting conferences and conventions, and sportsmen and tourists to the state of Washington;

(5) The department of commerce and economic development may publish or encourage the private publication of a magazine named by it and shall also publish maps, pamphlets and other descriptive material designed to carry out the purposes of this chapter. The department of commerce and economic development shall fix the price to be paid for annual subscriptions to, for single copies of, and the discount to be allowed dealers of the magazine. The publication may be distributed free of charge to libraries, schools, chambers of commerce and to such hotels, tourist agencies, visitors and prospective visitors and to such other persons or agen-

cies, and in such quantities, as the department deems beneficial in carrying out the purposes of this chapter. In no case shall the number of free copies each month exceed ten percent of the total number of paid subscriptions.

43.31.060 Powers and duties—Industrial development division.

The director of commerce and economic development, through the industrial development division, shall:

(1) Gather, maintain and disseminate available information concerning plant industrial sites throughout the state and the advantages of locating industries within the state;

(2) Serve local communities in planning for and acquiring a greater industrial development;

(3) Act as the state's official liaison agency between persons interested in locating business firms in Washington, and state and local groups seeking new business (in such capacity, the division shall maintain the confidential nature of the negotiations it conducts as requested by the persons contemplating location in this state);

(4) Conduct an active program, by sending representatives to other areas, of providing information on industrial and business sites, contacting potential new business and industry, and in other ways to expand the business and industrial base of the state of Washington.

43.31.070 Powers and duties—Division of research. The director of commerce and economic development through the division of research shall initiate, conduct, and maintain research for the purpose of guiding and accomplishing a coordinated and economically farsighted development of the state. He shall establish a research reference service to collate and coordinate information available from private and governmental sources, to undertake market feasibility studies on existing products and by-products which are or could be developed in the state. He shall assist in creating and maintaining a shelf of public work projects to aid the state in case of an economic recession.

43.31.080 Powers and duties—General. Notwithstanding any duties and powers specifically enumerated in RCW 43.31.050, 43.31.060, and 43.31.070, the director is authorized, empowered, and directed to do any and all other acts necessary to accomplish the purposes of this chapter as specified in RCW 43.31.010.

43.31.090 Advisory council—Appointment, term, vacancies, expenses. To aid and advise the director in the performance of his functions as specified in this chapter, an advisory council shall be appointed by the governor, such council to be composed of not

more than fifteen members, all of whom shall be residents of this state, representing such geographical and economic areas as the governor shall determine will best further the purposes of this chapter. Terms of council members shall not exceed two years and shall continue until their successors are appointed. Vacancies shall be filled in the same manner as original appointments. Members shall receive no per diem but shall receive reimbursement for actual subsistence and traveling expenses incurred in the performance of their duties.

43.31.100 Advisory council—Powers and duties. The advisory council shall receive reports periodically from the department and shall meet to advise, guide and assist the director in establishing the policies of the department.

43.31.110 Additional advisory groups—Appointment, vacancies, expenses. The director may from time to time establish such additional advisory groups as in his discretion are necessary for the carrying out of this chapter. Members of and vacancies in, such advisory groups, shall be filled by appointments by the director. Members shall receive no per diem but shall receive reimbursement for actual subsistence and traveling expenses incurred in the performance of their duties.

43.31.120 Director may request assistance from state agencies, departments, officials—Expenses. The director is authorized to request information and assistance from all other agencies, departments and officials of the state and may reimburse such agencies, departments or officials when any such request imposes any additional expenses upon any such agency, department or official.

43.31.130 Director, supervisors, staff may travel—Expenses. The director and the supervisor of any division may travel throughout the state or other states and may contact other states and agencies in the performance of their duties. The director and supervisors shall receive no per diem, but shall receive reimbursement for subsistence and traveling expenses incurred while away from their respective places of abode, in lieu of other provisions made by law for reimbursement of their expenses as such state employees, not to exceed twenty-five dollars per day. The director is authorized to delegate similar authority to other members of his staff who shall then be reimbursed for their expenses in the same manner as herein provided for the director and division supervisors.

43.31.140 Acceptance of contributions, grants, gifts—Disbursements—Purpose. In furthering the purposes of this chapter, the director may accept contributions, grants or gifts in cash or other-

wise from persons, associations, or corporations, such contributions to be disbursed in the same manner as money appropriated by the legislature: *Provided*, That the donor of such gifts may stipulate the purpose for which they shall be expended.

43.31.150 Federal grants, matching funds or other funds, donations—Acceptance, disbursements. The department of commerce and economic development may accept and disburse federal grants or federal matching or other funds or donations from any source when made, granted or donated for a purpose covered by this chapter.

43.31.160 Biennial reports to governor and legislature. The director shall submit to the governor and the legislature a biennial report on the activities, growth, progress, problems and costs of the programs of the department and its divisions, and on recommendations for future program and needed legislation including legislation designed to encourage investment of risk venture capital in this state.

43.31.170 Division of progress and industry development abolished—Powers and duties of supervisor transferred to director of commerce and economic development. From and after the first day of April, 1957, the division of progress and industry development of the department of conservation and development is abolished and the director of the department of commerce and economic development shall exercise all the powers, duties and functions theretofore vested in and required to be exercised by the supervisor of progress and industry development of the department of conservation and development.

43.31.180 ————Disposal of property, records, etc.—Pending matters, completion—Validation of acts performed. Upon the taking effect of this chapter, the director of conservation and development shall immediately deliver to the director of commerce and economic development all books, documents, records, papers, files, or other writings, all cabinets, furniture, office equipment, and other tangible property, and all funds in his custody or under his control used or held by the division of progress and industry development of the department of conservation and development. Neither the abolition of the division of progress and industry development of the department of conservation and development nor the transfer of powers and duties as provided in this chapter to the director of commerce and economic development shall affect the validity of any acts performed by such agency or any officer or employee thereof before taking effect of this chapter. All matters relating to functions transferred under the provisions of this chapter from the

division of progress and industry development of the department of conservation and development to the department of commerce and economic development which at the time of transfer have not been completed may be undertaken and completed by the director of commerce and economic development, who is authorized, empowered, and directed to promulgate any and all orders, rules, and regulations necessary to accomplish this purpose.

43.31.200 Local and state planning—Authorized studies. The department of commerce and economic development, through its appropriate division, shall have the responsibility for studying the following matters and for submitting its findings and recommendations to the governor and legislature:

(1) Legal changes necessary for the establishment of adequate metropolitan and local levels of government;

(2) The various methods of adopting forms of government for metropolitan areas;

(3) Voting procedures to be employed if local determination is used as the method of adoption;

(4) The need for adjustments in area, organization, functions and finance of reorganized governments;

(5) Interstate areas that include a part of the territory of this state;

(6) State advisory and technical services and administrative supervision to governments in local areas;

(7) The effects upon local areas of present and proposed national, state and local government programs, including but not limited to grants-in-aid;

(8) The means of facilitating greater coordination of existing and contemplated policies of the national, state and local governments and of private associations and individuals that affect local areas;

(9) The legal changes that are necessary for the establishment of metropolitan target zone authorities adequate for civil defense purposes, and the measure required for the organization and operation of such authorities.

43.31.210 ————Coordinating and advisory services—State comprehensive plan—Personnel. The department of commerce and economic development, through the appropriate division, in order to facilitate municipal, urban, metropolitan and regional planning, and to encourage such areas to maintain a continuing and adequate program for planning shall serve generally as a consultative, coordinating and advisory agency for aiding such planning bodies, directly, or in securing planning assistance, consultative services and technical aid which may include surveys, land use, demographic and economic

studies, comprehensive plans, urban renewal plans and other plans. The department through the division, shall serve generally as a consultative, coordinating and advisory agency for state departments or agencies for planning and shall be responsible for the preparation of a state comprehensive plan. The director shall employ competent, qualified, technical personnel and such other personnel as may be required to administer RCW 43.31.200 through 43.31.230.

43.31.220 ————Aid from federal and local government—Rules and regulations. The director, through the appropriate division, may accept contributions, grants, or other financial assistance from the government of the United States for, or in aid of, any planning program. The director shall promulgate such rules and regulations, in accordance with the procedures set forth in chapter 34.04 RCW, enter into such agreements, prescribe such conditions, perform such other lawful act as may be necessary to secure the financial aid and cooperation of the government of the United States and local planning bodies to implement any planning program.

43.31.230 ————Powers conferred by RCW 43.31.210 and 43.31.220 are supplemental. The powers conferred by RCW 43.31.210 and 43.31.220 are in addition and supplemental to the powers conferred by any other state or local law, and nothing herein contained shall be construed as limiting or restricting any other powers of the department, the state, or any political subdivision thereof.

Provisions Relating to World Fair

43.31.500 Declaration of purpose. The department of commerce and economic development has been created to accelerate the orderly growth of the economy of the state and to increase its commerce and the economic well-being of its citizens. The Alaska-Yukon-Pacific Exposition held in Seattle in 1909 did much to foster the development of the state to the position of eminence which it now enjoys. In the nearly half a century which has elapsed since the Alaska-Yukon-Pacific Exposition, this state has progressed markedly in agriculture, trade, and manufacturing, and the University of Washington on whose site the exposition was held has become one of the great universities of the world. It is therefore fitting that another exposition be held in the state of Washington and that the department of commerce and economic development be authorized to acquire a site and buildings, equipment and appurtenances thereto, suitable for an exposition and for other state purposes, and that the department, with the approval of the commission, be authorized to program, promote and produce a world fair

or exposition that will be of economic benefit to the state and all of its citizens.

The department shall cooperate with the world fair commission to the end that the exposition to be conducted by the world fair commission shall become a memorable success.

43.31.510 Acquisition and development of site and buildings declared state purpose. The acquisition and development of a site and the purchase, construction, or acquisition by any lawful means of buildings, equipment and appurtenances therefor, suitable for use for a world fair or exposition and for the future use by the state in promoting and fostering its commerce and economic development, and the construction of any structures necessary for the development of exhibits and the programming, promotion and successful production of the world fair or exposition is declared to be a state purpose.

43.31.520 Department authorized to acquire and develop site and buildings in Seattle and undertake other activities—Approval and authorization of world fair commission. The department of commerce and economic development is authorized and directed, in the furtherance of the purposes for which it was created, and in furtherance of the purposes of RCW 43.31.500 through 43.31.640, and the provisions of this act [1961 c 152; 1957 c 174], to acquire a site in the city of Seattle in the vicinity of the civic center and to develop the same and to construct or otherwise acquire buildings or any other necessary structures together with such furnishings, equipment and appurtenances as may be required, for use for a world fair or exposition and for such use thereafter as shall promote and foster the commerce and economic development of this state.

The department, with the authorization of the world fair commission, is further directed to undertake such activities as are deemed necessary to effectuate the purposes of this act [1961 c 152; 1957 c 174], to the end that a successful world fair or exposition is produced.

The department is further authorized to make all necessary plans and surveys for such acquisition and construction, and any such plans shall be subject to the approval of the world fair commission.

43.31.525 Department authorized to dispose of property—Approval of world fair commission—Consideration—Deposit of proceeds. The department of commerce and economic development, with the approval of the commission, is authorized to sell or otherwise dispose of any property acquired or constructed by it under

the provisions of RCW 43.31.500 through 43.31.640: *Provided*, That the sale price, or valuable consideration to be received with or without interest, shall not be less than one hundred percent of the purchase price of the real property acquired by the state for fair purposes and fifty percent of the construction cost of the principal state building constructed for world fair or exposition use by the department: *Provided further*, That proceeds of the sale as herein provided shall be deposited in the world fair bond redemption fund created under the provisions of RCW 43.31.620.

43.31.530 Department to cooperate with governmental agencies—Eminent domain. The department is enjoined to cooperate in all respects with the world fair commission, with the city of Seattle and with other departments, agencies, political subdivisions and municipal corporations of this state. The department and the world fair commission may cooperate with the government of the United States and with the governments or agencies of other states or foreign countries, or their lesser subdivisions to the extent required to secure their participation in the world fair or in the future uses of the site and buildings.

In furtherance of the purposes of RCW 43.31.500 through 43.31.640 the department may exercise the right of eminent domain as provided in chapter 8.04.

43.31.540 Authority to temporarily convey site and buildings for world fair. The department is authorized to lease or otherwise temporarily convey the site and buildings herein provided for, for the use of the world fair commission in conducting such fair or exposition.

43.31.550 Limited obligation bonds authorized. To provide funds for plans and surveys, for the acquisition and development of a site and the purchase, construction or acquisition by any lawful means of permanent type buildings, equipment and appurtenances thereto to be used for an exposition and for future use by the state, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of seven million five hundred thousand dollars.

Issuance, sale, and retirement of the bonds shall be under the general supervision and control of the state finance committee. The state finance committee, in its discretion, may provide for issuance of coupon or registered bonds to be dated, issued, and sold at such time or times and in such amount or amounts as may be necessary to finance the program authorized by RCW 43.31.500 through 43.31.640.

Each bond shall be made payable at any time not exceeding thirty years from date of issuance, with such reserved rights of

prior redemption as the state finance committee may prescribe to be specified therein. Bonds shall be payable at such places and be in such denominations as the committee prescribes.

43.31.560 Signatures on bonds or coupons—Bonds negotiable. Bonds shall be signed either manually or with a printed facsimile signature by the governor and the state auditor under the seal of the state, and any coupons attached to the bonds shall be signed by the same officers, whose signatures thereon may be in printed facsimile.

All such bonds shall be fully negotiable.

43.31.570 Sale of bonds—Bonds as legal investment and security. The bonds may be sold in such manner and amounts, at such times, and on such terms and conditions as the state finance committee may prescribe: *Provided*, That if the bonds are sold to any persons other than the state of Washington, they shall be sold at public sale, and the state finance committee shall cause the sale to be advertised in such manner as it deems sufficient.

The bonds shall be sold for not less than par value.

The bonds shall be a legal investment for all state funds (except the permanent school fund) or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits.

43.31.580 Registration of bonds. Any of such 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.

43.31.590 Bonds not a general obligation—Payment. Bonds issued under the provisions of RCW 43.31.500 through 43.31.640 shall distinctly state that they are not a general obligation of the state of Washington, but are payable in the manner provided in RCW 43.31.500 through 43.31.640 from the proceeds of one-half of the corporation fees collected under all the provisions of chapter 70, Laws of 1937 as now or hereafter amended. The bonds and interest thereon shall, so long as any portion thereof remains unpaid, constitute a prior and exclusive claim upon the portion of the corporation fees so collected and deposited to the credit of the world fair bond redemption fund as provided in RCW 23.60.200.

43.31.600 World fair fund created—Composition—Use—Investment. There is hereby created within the state treasury a special fund to be known as the world fair fund in which shall be deposited all moneys arising from the sale of such bonds. Such moneys shall

be available only for the purpose of plans and surveys for site and buildings, the acquisition of a site in the city of Seattle in the vicinity of the civic center and the purchase, construction, or acquisition by any lawful means of permanent type buildings, equipment and appurtenances therefor suitable for an exposition and for such use thereafter as shall promote and foster the commerce and economic development of this state, and for the payment of the expense incurred in the printing, issuance and sale of such bonds.

The state finance committee is authorized to invest the proceeds from the sale of such bonds in short term securities: *Provided*, That such investment will not impede the orderly progress of the project authorized by RCW 43.31.500 through 43.31.640. The interest from such investments shall be deposited to the credit of the world fair bond redemption fund.

43.31.610 Appropriation. For the purpose of carrying out the provisions of RCW 43.31.500 through 43.31.640, there is hereby appropriated to the state department of commerce and development from the world fair fund the sum of seven million five hundred thousand dollars.

43.31.620 Undertaking to impose corporation fees—Use, proration, of one-half of proceeds. As a part of the sale of the bonds herein authorized, the state undertakes to continue to impose the license and other fees on domestic and foreign corporations prescribed by and at the rates authorized in chapter 70, Laws of 1937 as last amended by the 1957 legislature and to use and prorate in the order set forth below, one-half of the proceeds of such fees, as follows:

(1) To pay into the world fair bond redemption fund hereby created as a special fund within the state treasury, such sums as shall be needed to pay the interest on all outstanding bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961.

(2) To pay into the outdoor recreational bond redemption fund such sums as shall be needed to pay the interest on all bonds authorized by chapter 43.98 RCW and outstanding.

(3) All of said one-half of the proceeds of such fees remaining after making the payments required under the preceding paragraphs (1) and (2), shall be deposited in the world fair bond redemption fund until all of the outstanding bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961, have been paid. After payment and retirement of the aforesaid world fair bonds all of the said one-half of the proceeds of such fees shall be deposited in the outdoor recreational bond redemption fund for payment of the principal of and interest on all of the bonds authorized by chapter 43.98 RCW.

43.31.630 Fees not exclusive method for payment of bonds. The legislature may provide additional means for raising moneys for the payment of the principal and interest on the bonds authorized herein and RCW 43.31.500 through 43.31.640 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

43.31.640 Proceedings to compel deposit and payment of funds. The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the deposit and payment of funds as provided in RCW 23.60.200 and by the provisions of RCW 43.31.500 through 43.31.640.

43.31.660 Declaration of necessity for additional funds. Increased costs for the erection of necessary structures and for the programming, promotion and production of the world fair or exposition since the enactment of the world fair bond issue authorized by the 1957 legislature makes necessary additional money with which to take the necessary steps to insure the successful production of the world fair or exposition.

43.31.670 Additional limited obligation bonds authorized. To provide additional funds for the programming, promotion and production of the world fair or exposition in addition to bonds authorized to be sold by RCW 43.31.550 there shall be issued and sold limited obligation bonds of the state of Washington in the sum of three million dollars. Issuance, sale and retirement of the bonds shall be under the general supervision and control of the state finance committee. The state finance committee, in its discretion, may provide for issuance of coupon or registered bonds to be dated, issued and sold at such time or times in such amount or amounts as may be necessary to finance the program as authorized under this act [1961 c 152]. Each bond shall be made payable at any time not exceeding thirty years from the date of issuance with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be payable at such places and in such denominations as the state finance committee may prescribe.

43.31.680 Signatures on bonds and coupons—Bonds negotiable. Bonds shall be signed either manually or with a printed facsimile signature by the governor and the state auditor under the seal of the state, and any coupons attached to the bonds shall be signed

by the same officers, whose signatures thereon may be in printed facsimile.

All such bonds shall be fully negotiable.

43.31.690 Sale of bonds—Bonds as legal investment and security. The bonds may be sold in such manner and amounts, at such times, and on such terms and conditions as the state finance committee may prescribe: *Provided*, That if the bonds are sold to any persons other than the state of Washington, they shall be sold at public sale, and the state finance committee shall cause the sale to be advertised in such manner as it deems sufficient.

The bonds shall be sold for not less than par value.

The bonds shall be a legal investment for all state funds (except the permanent school fund) or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits.

43.31.700 Registration of bonds. Any of such 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.

43.31.710 Bonds not a general obligation—Payment. Bonds issued under the provisions of this act [1961 c 152] shall distinctly state that they are not a general obligation of the state of Washington, but are payable in the manner provided in this act [1961 c 152] from the proceeds of one-half of the corporation fees collected under all the provisions of chapter 70, Laws of 1937 as now or hereafter amended. The bonds and interest thereon shall, so long as any portion thereof remains unpaid, constitute a prior and exclusive claim, subject only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued, upon the portion of the corporation fees so collected and deposited to the credit of the world fair bond redemption fund as provided in RCW 43.31.620.

43.31.720 Deposit of proceeds of sale—Use. All moneys arising from the sale of such bonds shall be deposited in the special fund in the state treasury known as the world fair fund created pursuant to RCW 43.31.600. Such moneys shall be available only for the purpose of programming, promoting and production of the world fair or exposition, and for the payment of the expenses incurred in the printing, issuance and sale of such bonds. The state finance committee is authorized to invest the proceeds from the sale of such bonds in short term securities: *Provided*, That such investment will not impede the orderly progress of the project authorized by this

act [1961 c 152]. The interest from such investments shall be deposited to the credit of the world fair bond redemption fund.

43.31.730 Appropriation. For the purposes of carrying out the provisions of sections one through eighteen of this act [1961 c 152] there is hereby appropriated to the state department of commerce and economic development from the world fair fund the sum of three million dollars.

43.31.740 Undertaking to impose corporation fees—Use, proration, of one-half of proceeds. As a part of the sale of the bonds herein authorized, the state undertakes to continue to impose the license and other fees on domestic and foreign corporations prescribed by and at the rates authorized in chapter 70, Laws of 1937 as last amended by the 1957 legislature and to use and prorate in the order set forth below, one-half of the proceeds of such fees, as follows:

(1) To pay into the world fair bond redemption fund hereby created as a special fund within the state treasury, such sums as shall be needed to pay the interest on all outstanding bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961.

(2) To pay into the outdoor recreational bond redemption fund such sums as shall be needed to pay the interest on all bonds authorized by chapter 43.98 RCW and outstanding.

(3) All of said one-half of the proceeds of such fees remaining after making the payments required under the preceding paragraphs (1) and (2), shall be deposited in the world fair bond redemption fund until all of the outstanding bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961, have been paid. After payment and retirement of the aforesaid world fair bonds all of the said one-half of the proceeds of such fees shall be deposited in the outdoor recreational bond redemption fund for payment of the principal of and interest on all of the bonds authorized by chapter 43.98 RCW.

43.31.750 General powers of state officials—Agreements. The department of commerce and economic development, the officials thereof and all state officials and members of the world fair commission are empowered to do such acts and make such agreements not inconsistent with law as may be necessary or desirable in connection with the duties and powers conferred upon them respectively by law regarding the production of the world fair or exposition in Seattle.

43.31.760 Legislature may provide additional means for raising revenue. The legislature may provide additional means for raising

moneys for the payment of the principal and interest on the bonds authorized herein and the provisions of this act [1961 c 152] shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

43.31.770 Proceedings to compel deposit and payment of funds.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the deposit and payment of funds as provided in RCW 43.31.620 and by the provisions of this act [1961 c 152].

Chapter 43.32

DESIGN STANDARDS COMMITTEE

43.32.010 Composition of committee. There is created a state design standards committee of seven members, six of which shall be appointed by the executive committee of the Washington State Association of County Commissioners to hold office at its pleasure and the seventh to be the assistant state director of highways in charge of state aid. The members to be appointed by the executive committee of the Washington State Association of County Commissioners shall be restricted to the membership of such association or to those holding the office and/or performing the functions of chief engineer in any of the several counties of the state.

43.32.020 Duties of committee. On or before January 1, 1950, and from time to time thereafter the design standards committee shall adopt uniform design standards for the county primary road systems.

Chapter 43.33

FINANCE COMMITTEE

43.33.010 Composition of committee. The state treasurer, the lieutenant governor, and the governor, ex officio, shall constitute the state finance committee.

43.33.020 Powers and duties. The state finance committee shall exercise all the powers and perform all duties prescribed by law with respect to the investment and safekeeping of public funds.

43.33.025 Investment of funds in farm, soil, water conservation loans. The state finance committee is authorized to invest those funds which are not under constitutional prohibition in farm

ownership and soil and water conservation loans fully guaranteed as to principal and interest under the Bankhead-Jones Farm Tenant Act administered by the United States department of agriculture.

43.33.030 Records—Office. The state finance committee shall keep a full and complete public record of its proceedings in appropriate books of record, maintain appropriate offices, and employ such personnel as shall be necessary to perform its duties.

43.33.040 Rules and regulations—Chairman. The state finance committee may make appropriate rules and regulations for the performance of its duties. The state treasurer shall act as chairman of the committee.

Chapter 43.34

CAPITOL COMMITTEE

43.34.010 Composition of committee. The governor, the lieutenant governor, and the commissioner of public lands, ex officio, shall constitute the state capitol committee.

43.34.015 Secretary of committee—Committee records. The commissioner of public lands shall be the secretary of the state capitol committee, but the committee may appoint a suitable person as acting secretary thereof, and fix his compensation: *Provided*, That all records of the committee shall be filed in the office of the commissioner of public lands.

43.34.040 Buildings—Erection—Improvements. The state capitol committee may erect one or more permanent buildings; one or more temporary buildings; excavate or partially excavate for any such building or buildings; partially erect any such building or buildings; make other temporary or permanent improvements wholly or in part; upon the capitol grounds belonging to the state and known as the "Sylvester site" or "Capitol place" in Olympia, Washington.

Chapter 43.37

WEATHER MODIFICATION BOARD

43.37.010 Definitions. As used in this chapter, unless the context requires otherwise:

- (1) "Board" means the weather modification board;
- (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.

43.37.020 Board established—Composition, appointment, qualifications, compensation, quorum. (1) There is established a weather modification board to consist of the director of conservation, who shall be the chairman and who shall exercise no vote except in case of a tie vote, nine members all appointed by the governor, including a member of the faculty of Washington State University, a member of the faculty of the University of Washington, one member to be a person experienced in, and actually engaged in the commercial production of horticultural products, three members to be persons experienced in, and actually engaged in the commercial production of other agricultural products, and three members representing the general public. Members appointed to represent horticulture, other agricultural products, and the general public, shall each represent a different congressional district in order that each congressional district of the state shall be represented by one such appointee. The term of office of each member of the board appointed prior to March 3, 1961 shall be four years, except that the first terms of office of such appointed members first taking office shall expire, as determined by the governor at the time of their appointment, one each at the end of the first, second, third and fourth years after March 3, 1957. The term of office of each member appointed to the board as an additional member because of this amendatory act [1961 c 154 § 1] shall be four years, except that the first terms of office of such appointed members first taking office shall expire, as determined by the governor at the time of their appointment, two

at the end of the first year after March 3, 1961, and one each at the end of the second, third, and fourth years after March 3, 1961. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(2) Members of the board shall receive no compensation for the performance of their duties under the provisions of this chapter; but each member shall be reimbursed, to the extent allowed by law from funds available for the administration of this chapter, for expenses necessarily incurred in the performance of his duties.

(3) A majority of the members shall constitute a quorum for the transaction of business.

43.37.030 Powers and duties. In the performance of its functions the board may, in addition to any other acts authorized by law:

(1) Establish advisory committees to advise with and make recommendations to the board 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 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 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 RCW 43.37.070, 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 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.

43.37.040 Promotion of research and development activities—Contracts and agreements. The board 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 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.

43.37.050 Hearing procedure. In the case of hearings pursuant to RCW 43.37.180 the board shall, and in other cases may, cause a record of the proceedings to be taken and filed with the board, together with its findings and conclusions. For any hearing, any member of the board or a representative designated by the board is authorized to administer oaths and affirmations, examine witnesses and issue, in the name of the board, 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.

43.37.060 Acceptance of gifts, donations, etc.—Weather modification board revolving account established, excess funds. (1) The board 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 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.

43.37.070 Staff services, materials, office space—Expenses. (1) In administering the provisions of this chapter the board shall utilize, and the director of conservation shall furnish, such clerical and other staff services and materials and office space as are required by the board in the performance of its functions involving internal operations of the board. The director of conservation however, shall not

be obligated to incur any expense in complying with this subsection beyond the amount of funds lawfully available for the payment thereof.

(2) The expense of complying with the requirements of subsection (1) of this section shall be paid only from the "weather modification board revolving account," hereby created, upon the presentation of a claim therefor approved by the director of conservation. Such claims shall be audited and paid in the same manner as other claims against the state.

43.37.080 License and permit required. 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 authorizing such activities.

43.37.090 Exemptions. The board, 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.

43.37.100 Licenses—Requirements, duration, renewal, fees. (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, 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 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 of one hundred dollars for the license or renewal thereof.

43.37.110 Permits—Requirements—Hearing as to issuance. The board 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 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 to be for the general welfare and public good.
- (6) If the board has held an open public hearing in Olympia as to such issuance.

43.37.120 Separate permit for each operation—Filing and publishing notice of intention—Activities restricted by permit and notice. 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 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; and his activities shall also conform to any conditions imposed by the board upon the issuance of the permit or to the terms of the permit as modified after issuance.

43.37.130 Notice of intention—Contents. The notice of intention shall set forth at least all the following:

- (1) The name and address of the licensee;
- (2) The nature and object of the intended operation and the person or organization on whose behalf it is to be conducted;
- (3) The area in which and the approximate time during which the operation will be conducted;
- (4) The area which is intended to be affected by the operation;
- (5) The materials and methods to be used in conducting the operation.

43.37.140 ————Publication. (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 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 con-

ducted, then in a daily newspaper having a general circulation and published within each of such counties. In case there is no daily newspaper published within the appropriate county, publication shall be made in a daily 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 within fifteen days from the date of the last publication of the notice.

43.37.150 Financial responsibility. Proof of financial responsibility may be furnished by an applicant by his showing, to the satisfaction of the board, 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.

43.37.160 Fees—Sanctions for failure to pay. 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 from the evidence available to it. The fee is due and payable to the board as of the date of the issuance of the permit; however, if the applicant is able to give to the board 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.

43.37.170 Records and reports—Open to public examination. (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 and shall report the same to the board at the time and in the manner required.

(2) The board 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 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 shall be open for public examination.

43.37.180 Revocation, suspension, modification of license or permit. (1) The board 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 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 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 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 that it is necessary for the protection of the health or the property of any person to make the modification proposed.

43.37.190 Liability of state denied—Legal rights of private persons not affected. Nothing in this chapter shall be construed to impose or accept any liability or responsibility on the part of the state, the board 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.

43.37.200 Penalty. Any person violating any of the provisions of this chapter or any lawful regulation or order issued pursuant thereto, shall be guilty of a misdemeanor; and a continuing violation is punishable as a separate offense for each day during which it occurs.

Chapter 43.38

TAX ADVISORY COUNCIL

43.38.010 Tax advisory council created—Appointment, compensation. There is hereby created a tax advisory council to consist of fifteen members to be appointed by the governor. Members shall be chosen who represent the major segments of the state's economy, and at least one member shall be chosen from each congressional

district of the state. Members shall serve without pay at the pleasure of the governor but shall be paid necessary traveling expenses incurred in their travel to and from meetings of the council and shall receive fifteen dollars per day as subsistence while attending all meetings of the council.

43.38.020 Powers and duties. The council shall survey and analyze all aspects of existing tax statutes and evaluate the administration, yield and effect thereof and shall make such recommendations to the governor relating to changes in administrative practices and existing laws concerning such taxes as the council shall agree upon. If the recommendations adopted by the council do not receive the unanimous approval of its members, the dissenting members shall have the privilege of submitting minority recommendations.

43.38.030 Examination of records. Any member of the council or its staff designated by the chairman shall have the authority to examine, for official purposes, any records maintained by or in the possession of any official or agency which relate to matters of taxation.

43.38.040 Officers—Meetings—Executive secretary. The governor shall designate one member to be chairman of the council. The council at its first meeting shall elect a vice chairman. Meetings shall be held at times and places determined by the chairman. The chairman shall appoint from the staff of the state tax commission, an executive secretary, whose salary shall be paid by the tax commission, who shall attend all meetings of the council and perform such duties as it shall direct.

43.38.050 Expenditures. All expenditures of the council shall be paid upon vouchers approved by the chairman or vice chairman from the appropriation herein provided.

Chapter 43.41

DIRECTOR OF BUDGET

43.41.010 Office created—Salary—Personnel. There is hereby created in the office of the governor the office of "director of budget." The director of budget shall be appointed by the governor with the consent of the senate; shall hold office during the pleasure of the governor, and shall receive an annual salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. He shall have the power to appoint such assistants, deputies and other personnel as may be necessary to carry out the provisions of this chapter. As the personal representative of the governor with

respect to fiscal matters it shall be his duty to attend the meetings of the administrative board.

43.41.020 Powers and duties. The director of budget shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to the administration of the state budget and accounting system;

(2) Make efficiency surveys of all state departments and institutions, and the administrative and business methods pursued therein, examine into the physical needs and industrial activities thereof, and make confidential reports to the governor, recommending necessary betterments, repairs, and the installation of improved and more economical administrative methods, and advising such action as will result in a greater measure of self-support and remedies for inefficient functioning;

(3) Compute cost findings of the several farming and industrial operations at the state institutions, and making confidential reports to the governor of profit and loss.

Chapter 43.43

WASHINGTON STATE PATROL

43.43.010 Patrol created. There shall be a department of state government known as the "Washington state patrol." The chief thereof shall be known as the chief of the Washington state patrol, and members thereof shall be known as Washington state patrol officers.

43.43.020 Appointment of personnel. 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.

43.43.030 Powers and duties—Peace officers. The chief and other officers of the Washington state patrol shall have and exercise, throughout the state, such police powers and duties as are vested in sheriffs and peace officers generally, and such other powers and duties as are prescribed by law.

43.43.040 Disability of patrol officers. The chief of the Washington state patrol shall relieve from active duty Washington state patrol officers who, while in the performance of their official duties,

have been or hereafter may be injured or incapacitated to such an extent as to be mentally or physically incapable of active service.

Such officers shall receive one-half of their compensation at the existing wage, during the time the disability continues in effect, less any compensation received through the department of labor and industries.

They shall be subject to mental or physical examination at any state institution or otherwise under the direction of the chief of the patrol at any time during such relief from duty to ascertain whether or not they are able to resume active duty.

43.43.050 Tenure of patrol officers. Washington state patrol officers shall be entitled to retain their ranks and positions until death or resignation, or until suspended, demoted, or discharged in the manner hereinafter provided.

43.43.060 Suspension—Demotion of probationary officers. The chief of the Washington state patrol may discipline any Washington state patrol officer by suspending him without pay, for a period of not more than thirty days, and may demote any officer holding probationary rank, without preferring charges against him, and without a hearing.

43.43.070 Complaint, hearing on nonprobationary officers. Discharge or demotion of any officer holding nonprobationary rank, or suspension for more than thirty days of any officer, shall be only for cause, which shall be clearly stated in a written complaint, sworn to by the person preferring the charges, and served upon the officer complained of.

Upon being so served, any such officer shall be entitled to a public hearing before a trial board consisting of two Washington state patrol officers of the rank of captain, and one officer of equal rank with the officer complained of, who shall be selected by the chief of the Washington state patrol by lot from the roster of the patrol. In the case of complaint by an officer, such officer shall not be a member of the trial board.

43.43.080 Resignation—Waiver of hearing. Pending a hearing, the chief of the patrol may suspend the officer complained of, and the officer may, within ten days after being served with the complaint, either submit a written resignation or file written notice of his desire to waive a hearing.

In the event that a letter of resignation is submitted, it shall be accepted without prejudice.

43.43.090 Procedure at hearing. At the hearing, the chief of the patrol shall be the presiding officer, and shall make all necessary rulings in the course of the hearing, but shall not be entitled to vote.

The complainant and the officer complained of may submit evidence, and be represented by counsel, and a full and complete record of the proceedings, and all testimony, shall be taken down by a stenographer.

After hearing, the findings of the trial board shall be submitted to the chief. Such findings shall be final in the case of acquittal. In the event of conviction the chief may determine the proper disciplinary action and declare it by written order served upon the officer complained of.

43.43.100 Review of order. Any officer subjected to disciplinary action may, within ten days after the service of the order upon him, apply to the superior court of Thurston county for a writ of review to have the reasonableness and lawfulness of the order inquired into and determined.

The superior court shall review the determination of the chief of the Washington state patrol in a summary manner, based upon the record of the hearing before the trial board, and shall render its decision within ninety days, either affirming or reversing the order of the chief, or remanding the matter to him for further action.

43.43.110 Reinstatement on acquittal. If as a result of any trial board hearing, or review proceeding, an officer complained of is found not guilty of the charges against him, he shall be immediately reinstated to his former position, and be reimbursed for any loss of salary suffered by reason of the previous disciplinary action.

43.43.120 Patrol retirement system—Definitions. 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) "State auditor" means the auditor 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 five years of service or any consecutive five year period of service, whichever is the greater, as an employee of the Washington state patrol; or if he has less than five 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.

43.43.130 Retirement fund created—Membership. (1) A Washington state patrol retirement fund is hereby established for members of the Washington state patrol which shall include funds created and placed under the management of a retirement board for the payment of retirement allowances and other benefits under the provisions hereof.

(2) Any employee of the Washington state patrol, upon date of commissioning, shall be eligible to participate in the retirement plan and shall start contributing to the fund immediately. Any employee of the Washington state patrol employed by 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 shall receive full credit for such prior service but after that date each new commissioned employee must automatically participate in the fund. If a member shall terminate service in the patrol and later reenter, he shall be treated in all respects as a new employee: *Provided*, That

a member who reenters or has reentered service within ten years from the date of his termination, shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions, plus earned interest, which restoration must be completed within four years after resumption of service, be returned to the status of membership he earned at the time of termination.

(3) A member of the retirement system who has served or shall serve on active federal service in the armed forces of the United States pursuant to and by reason of orders by competent federal authority, who left or shall leave the Washington state patrol to enter such service, and who within one year from termination of such active federal service, resumes employment as a state employee, shall have his service in such armed forces credited to him as a member of the retirement system: *Provided*, That no such service in excess of five years shall be credited unless such service was actually rendered during time of war or emergency.

43.43.135 Membership in more than one retirement system. In any case where the Washington state patrol 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, an employee 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 is by reason of his current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan, shall be allowed membership rights should the agreement so provide.

43.43.140 Management—Retirement board, composition, terms, elections, vacancies, business. The general administration and management of the retirement fund and the making effective of the provisions hereof are hereby vested in the retirement board which shall have the authority to make all necessary rules and regulations, not inconsistent with the provisions hereof to carry into effect the provisions of this chapter.

The board shall consist of seven members as follows: Chief of the Washington state patrol, insurance commissioner, lieutenant governor and four members known as employee members, who shall be elected by ballot by members of the retirement fund in a manner to be approved by the retirement board. Two of said employee members shall be from and represent eastern Washington and two of said employee members shall be from and represent western Washington.

The chief of the Washington state patrol shall act at all times as chairman of the retirement board. A majority of the members

of the board shall constitute a quorum for the transaction of business and any action taken shall be approved by five or more of its members. The board shall hold such meetings as are necessary to transact its business and in any event shall meet not less than once each year and sufficient notice shall be given the members thereof.

The election of employee members of the board shall be conducted by and under the supervision of the chief of the Washington state patrol. The chief of the Washington state patrol shall designate election dates and shall define election procedures: *Provided*, That the first election shall be held within thirty days after May 15, 1958. At the first election, each person eligible to participate in the retirement fund shall have the right to vote for two qualified employee members, each person to vote only upon those members from his geographical division of the state. At the first election, the employee member receiving the greatest number of votes shall be deemed elected for a four year term; the employee member receiving the second greatest number of votes shall be deemed elected for a three year term; the employee member receiving the third greatest number of votes shall be deemed elected for a two year term; and the employee member receiving the fourth greatest number of votes shall be deemed elected for a one year term. Terms of office of the first members shall commence July 1, 1958. Upon expiration of the term of each of the employee members, each succeeding member shall be elected by general election and shall hold office for a term of four years. After the first election, those persons eligible to participate in the retirement fund and who are from the same geographical division as that of the employee member whose term of office has expired or whose office has become vacant shall have the right to vote for one qualified employee member to fill that office. Any vacancy occurring in the term of any qualified employee member of the retirement board shall be filled by a general election. The qualified employee member elected shall fill the unexpired term.

43.43.150 Employees of board. The retirement board may employ a secretary and secure the services of such technical and administrative employees as may be necessary for the transaction of business of the retirement fund. The compensation of all persons engaged by the board and all other expenses necessary for the proper operation of the retirement fund shall be paid at such rates and in such amounts as the board shall approve. The board shall perform such other functions as are required for the proper execution of the provisions hereof and shall have authority to make all rules and regulations necessary therefor.

43.43.160 Oath of members—Compensation. Each member of the retirement board, upon appointment or election, shall take an oath

of office that he will support the Constitution of the United States, the Constitution of the state of Washington, and that he will diligently and honestly administer the affairs of the board and that he will not knowingly violate or wilfully permit to be violated any of the provisions of law applicable to this chapter. Such oath shall be subscribed to by the member making it and certified by the officer before whom it is taken and shall immediately be filed in the office of the secretary of state. The members of the board shall serve without compensation but shall suffer no loss because of absence from their regular employment and shall be reimbursed from the expense fund.

43.43.165 Board may receive contributions from any source. Contributions may be received by the Washington state patrol retirement board from any public or private source for deposit into the Washington state patrol retirement fund, and said contributions shall be dealt with in the same manner as other state patrol retirement funds and subject to the terms of the contribution.

43.43.170 Investment of funds. Whenever the state patrol retirement board determine that the state patrol retirement fund contains moneys in excess of current needs, they shall authorize the state finance committee to invest such surplus in such bonds or other obligations as are authorized for the investment of the funds of the state employees' retirement system.

43.43.175 Custody, sale, of securities—Disposition of proceeds. All bonds or other obligations purchased according to RCW 43.43.170 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 earned and proceeds from the sale or 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 RCW 43.43.120 through 43.43.330.

43.43.180 Duty of state treasurer. The state treasurer shall be the custodian of the funds of the retirement fund. He shall deposit any portion of the funds of the retirement fund not needed for immediate use in the same manner as and subject to all the provisions of law respecting the deposit of state funds, and all interest earned by such portions of the retirement fund as may be deposited by the state treasurer in pursuance hereof shall be collected by him and placed to the credit of the retirement fund. The custodian shall

furnish annually to the retirement board a sworn statement of the amount of funds in his custody belonging to the retirement fund. The records of the retirement fund shall be open to public inspection and any member of the fund shall be furnished with a statement of the amount of his credit upon written request of such member: *Provided*, That the retirement board shall not be required to answer more than one such request of a member in any one year.

43.43.190 Limitation on interest of board member. Except as herein provided, no member and no employee of the retirement board shall have any interest, direct or indirect, in the gains or profits of any investment made by the board, nor as such directly or indirectly receive any pay or emolument for services and no member or employee of the board, directly or indirectly for himself or as agent or party for others, shall borrow any of its funds or deposits or in any manner use the same except to make such current and necessary payments as are authorized by the board, nor shall any member or employee of the board become an endorser or surety or become in any manner an obligor for moneys owned or borrowed by the board.

43.43.200 Actuarial valuations, investigations. At such times as the retirement board may deem it necessary and at least once within the first three years of the operation hereof and once in each five year period thereafter, the board shall have prepared by a competent actuary a report showing a complete valuation of the present and prospective assets and liabilities of the various funds created hereby. The actuary shall make an investigation of the mortality and service experience of the members of the system and shall report fully upon the totals of the retirement fund, together with such recommendations as he deems advisable for the information of the retirement board in the proper operation of the retirement fund.

43.43.210 Notice of commissioning and withdrawals. The chief of the Washington state patrol shall, on the first day of each calendar month, notify the state auditor of the commissioning of new employees subject to the provisions hereof and shall submit to him the name, title, compensation, duties, and date of birth of each new commissioned employee. He shall notify the auditor at the same time of all removals, withdrawals, and changes in salary of any member which occurred during the preceding month.

43.43.220 Retirement fund—Expenses—Contributions by state.
(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 retirement board shall estimate biennially the amount required to maintain the retirement fund for the ensuing biennium.

43.43.230 Total service credit. Subject to the provisions of RCW 43.43.260, at retirement, the total service credited to a member shall consist of all his current service and certified prior service.

43.43.240 Legal adviser. The attorney general shall be the legal adviser of the retirement board.

43.43.250 Retirement of members. (1) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty.

(2) Any member who has completed twenty-five years of credited service or has attained the age of fifty-five may retire as provided in RCW 43.43.260, on his retirement application to the retirement board, setting forth at what time, not less than thirty days subsequent to the execution and filing thereof, he desires to be retired.

(3) No member shall contribute to the retirement fund or receive service credit after he has completed twenty-five years of service: *Provided*, That any member who was a member prior to the effec-

tive date of this act (1963 c 75 § 1, effective date was June 13, 1963) may contribute to the retirement fund and receive service credit until he attains the percentage of average final salary provided by any previous act under which he has served.

43.43.260 Benefits. 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 one and one-half 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.

43.43.265 Recomputation of average final salary. The average final salary of members now retired shall be recomputed in accordance with RCW 43.43.120(14) and from the effective date of this act (1959 c 8, effective date was January 29, 1959; 1955 c 244, effective date was June 8, 1955) the retirement allowance of such members shall be paid under RCW 43.43.260 upon the basis of the average final salary as recomputed.

43.43.266 ———Construction. The provisions of this act (1959 c 8) are intended to be remedial and procedural and any benefits heretofore paid to recipients hereunder pursuant to any previous act are retroactively included and authorized as a part of this act (1959 c 8).

43.43.270 Annuities. (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 twenty-five 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. 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) If the member is survived by one child under the age of eighteen years the child shall be paid an annuity of seventy-five dollars per month until such time as the child shall attain the age of eighteen years or shall marry or die.

(b) If the member is survived by two or more children under the age of eighteen years the children shall be paid an annuity which shall total one hundred and fifty dollars per month until such time as the children shall attain the age of eighteen years or shall marry or die. When the number of children under the age of eighteen years and unmarried has been reduced to one, the annuity shall be reduced to seventy-five dollars per month.

(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.

43.43.280 Repayment of contributions on death or termination of employment. (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 may request upon a form provided by the retirement board a refund of all or part of his contributions to the retirement fund, with interest at two and one-half percent compounded annually, and this amount shall be paid to him.

43.43.290 Status in case of disablement. Should a member become permanently and totally disabled, as a direct and proximate result of injury received in the course of employment he shall receive benefits under RCW 43.43.040 and during such period will be a nonactive member. If any nonactive member returns to active duty with the Washington state patrol, he shall be eligible to become an active member by paying into the retirement fund all contributions accumulated during the period of his disability.

43.43.300 Contributions by members—State contributions remain in fund if member leaves patrol. Beginning on July 1, 1963, every Washington state patrol employee who is a member of the retirement fund shall contribute seven percent of his monthly salary, which shall be deducted from the compensation of each member on each and every payroll.

In event a member severs his connection with the Washington state patrol or is dismissed, the amount paid by the state of Washington shall remain in the retirement fund.

43.43.310 Benefits exempt from taxation and legal process. The right of any person to a retirement allowance or optional retirement allowance under the provisions hereof and all moneys and investments and income thereof are exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws, or other processes of law whatsoever and shall be unassignable except as herein specifically provided.

43.43.320 Penalty for falsification. Any person who knowingly makes any false statement or falsifies or permits to be falsified any record or records of the Washington state patrol retirement fund in any attempt to defraud such fund shall be guilty of a gross misdemeanor.

43.43.330 Examinations for promotion. Appropriate examinations shall be conducted for the promotion of commissioned patrol officers. The examinations shall be prepared and conducted under the supervision of the chief of the Washington state patrol, who shall cause at least thirty days written notice thereof to be given to all patrol officers eligible for such examinations. Examinations shall be given once every three years, or whenever the eligible list becomes exhausted as the case may be. After the giving of each such examination a new eligible list shall be compiled replacing any existing eligible list for such rank. Only grades attained in the last examination given for a particular rank shall be used in compiling each eligible list therefor. The chief, or in his discretion a committee of three individuals appointed by him, shall prepare and conduct the examinations, and thereafter grade and evaluate them in accordance with the following provisions, or factors: (1) Service rating forty percent; (2) written examination thirty percent; (3) oral examination and interview twenty percent; (4) personnel record ten percent.

43.43.340 Eligible list, and promotions therefrom. The names of all officers who have passed examinations satisfactorily shall be placed on an eligible list in the order of the grade attained in the

examinations. The chief, or the committee mentioned in RCW 43.43.330 at his request, may determine the lowest examination grade which will qualify an officer for inclusion of his name on an eligible list. Examination papers shall be graded promptly and an eligible list shall be made up immediately thereafter. All officers taking an examination shall be informed of the grade earned.

After an eligible list is made up all promotions shall be made from the three top names on the applicable list, and each officer shall be informed in writing as his name is included in the top three on an eligible list. No officer whose name appears within the top three on any eligible list shall be passed over for promotion more than three times.

After having qualified for promotion hereunder an officer must pass a medical examination and must be certified as to physical fitness to perform the duties of the advanced position by one of three doctors designated by the chief of the Washington state patrol.

43.43.350 Determination of eligibility for examination or promotion. Eligibility for examination or promotion shall be determined as follows:

Patrol officers with one year of probationary experience, in addition to three years experience as a regular patrolman, shall be eligible for examination for the rank of sergeant; patrol officers with one year of probationary experience in the rank of sergeant, in addition to two years as a regular sergeant, shall be eligible for examination for the rank of lieutenant; patrol officers with one year of probationary experience in the rank of lieutenant, in addition to two years as a regular lieutenant, shall be eligible for examination for the rank of captain.

43.43.360 Probationary period. All newly appointed or promoted officers shall serve a probationary period of one year after appointment or promotion, whereupon their probationary status shall terminate, and they shall acquire regular status in the particular grade, unless given notice in writing to the contrary by the chief prior to the expiration of the probationary period.

During his one year probationary period any newly appointed officer may be removed, or any officer promoted through examinations may be demoted to his previous rank by the chief without charges being preferred and without benefit of a hearing, as might otherwise be required under this chapter.

43.43.370 Staff or technical officers. The chief of the Washington state patrol may appoint such staff or technical officers as he deems necessary for the efficient operation of the patrol, and he may assign whatever rank he deems necessary to such staff or technical officers for the duration of their service as such.

Staff or technical officers may be returned to their line rank or position whenever the chief so desires. Staff or technical officers without line command assignment and whose duties are of a special or technical nature shall hold their staff or technical rank on a continuing probationary basis; however, such staff or technical officers, if otherwise eligible, shall not be prevented from taking the line promotion examinations, and qualifying for promotion whenever the examinations may be held.

If a staff or technical officer returns to line operations he shall return in the rank that he holds in the line command, unless promoted to a higher rank through examination and appointment as herein provided: *Provided*, Nothing contained herein shall be construed as giving the chief the right to demote or to reduce the rank of any officer of the patrol who was holding such office on April 1, 1949.

43.43.380 Minimum salaries. The minimum monthly salary paid to state patrol officers shall be as follows: Officers, three hundred dollars; staff or technical sergeants, three hundred twenty-five dollars; line sergeants, three hundred fifty dollars; lieutenants, three hundred seventy-five dollars; captains, four hundred twenty-five dollars.

Chapter 43.46

ARTS COMMISSION

43.46.010 Declaration of purpose. It is hereby declared that the preservation and development of beauty is essential to the progress and growth of the state of Washington. The growth and development of the arts provides for the general welfare and is hereby declared to be an appropriate matter of concern to the government of the state of Washington. This growth and development has enabled the state of Washington, although comparatively young in years, to produce many artists and writers of national and international fame.

43.46.020 Commission established—Composition. There is hereby established a Washington state arts commission. The commission shall be composed of twenty-one members appointed by the governor. Members shall be appointed representing the various categories of the arts including architecture, painting, sculpture, music, landscape architecture, crafts, literature, graphic arts, theatre arts and dance. The governor shall consider nominations for membership from architectural, art, music, literary and other cultural organizations. Members shall be selected where practicable from the various geographical areas of the state.

43.46.030 Terms—Vacancies. Initial appointments shall be seven members for one year terms, seven members for two year terms and seven members for three year terms. Subsequent appointments shall be for three year terms except appointments for vacancies which shall be for unexpired terms.

43.46.040 Compensation — Organization — Officers — Rules — Quorum. Members of the commission shall serve without compensation. The commission shall organize, elect a chairman annually, and adopt its own rules and regulations. A majority of its members shall constitute a quorum.

43.46.050 Powers and duties generally. The commission shall meet, study, plan, and advise the governor, the various departments of the state and the state legislature and shall make such recommendations as it deems proper for the beautification and cultural development of the state of Washington.

43.46.060 Gifts and grants. The commission may accept gifts and grants upon such terms as the commission shall deem proper.

43.46.070 Annual reports. The commission shall make an annual report of its proceedings and recommendations to the governor.

43.46.080 Designation of poet laureate authorized. The commission shall have the authority to designate a poet laureate for the state of Washington.

Chapter 43.49

COLUMBIA BASIN COMMISSION

43.49.010 Commission created—Composition. There shall be a nonsalaried commission to be known as the Columbia Basin commission, which shall consist of seven members, namely: One member designated by and from among the directors of the Quincy-Columbia Basin irrigation district, one designated by and from among the directors of the East Columbia Basin irrigation district, one designated by and from among the directors of the South Columbia Basin irrigation district; three members appointed by the governor, and removable by him at his pleasure; and the director of conservation who shall be chairman of the commission.

Not later than the first day of February each year, each of the respective irrigation district boards shall select one of its members to serve on the Columbia Basin commission for the ensuing year, and shall thereupon forthwith certify such selection to the governor. The term of any member designated by an irrigation district shall

terminate when his successor has been certified to the governor or upon the expiration of his term as irrigation district director.

Each member of the commission, except the director of conservation shall receive fifteen dollars per day and transportation while actually engaged in the performance of his duties within the state.

43.49.020 Commission divided into sections. The commission shall be divided into two groups known as the reclamation section and the resources section which shall function jointly and separately as hereinafter provided.

The membership of the reclamation section shall consist of the three members representing the three Columbia Basin irrigation districts and the director of conservation, who shall be chairman of the section.

The membership of the resources section shall consist of the three members appointed by the governor and the director of conservation, who shall be chairman of the section.

43.49.030 General powers—Quorum—Meetings. The Columbia Basin commission shall study and promote the development and utilization of the agricultural, water, power, mineral, timber, recreational, and other natural resources of the Columbia river basin, with special reference to those parts embracing the Columbia Basin irrigation project, Grand Coulee power project, and tributary areas. A majority of the commission shall constitute a quorum. The commission shall meet at the call of the chairman, and in no event less than twice a year.

43.49.040 Powers of reclamation section. The reclamation section of the Columbia Basin commission shall advise and assist the board of directors of the Columbia Basin irrigation districts in matters relating to the construction and development of the Columbia Basin irrigation project by the federal government to the end that full benefits may be realized at the earliest feasible time to the nation, state, and region.

None of the powers and duties of the commission shall be construed to interfere or conflict with or supersede the powers and duties of the boards of directors of said districts, but in order to effectively advise and assist the districts, landowners, and settlers, the reclamation section shall:

- (1) Formulate and promote the passage of state and national legislation prescribing the basis for repayment contracts between the federal government and the irrigation districts, for appraisal of lands and the disposition of excess land holdings, and for the selection of settlers and the settlement and development of project lands;

(2) Review studies heretofore made and undertake studies of its own in order to determine the amount of irrigation construction costs which can be safely assumed and repaid by the project farmers under the terms of the national reclamation act; aid in securing a sufficient allocation of power revenues from the Coulee Dam power development to cover any portion of construction costs which cannot be safely assumed and repaid by the project farmers, and aid the irrigation districts in securing repayment contracts that are safe and equitable to both contracting parties;

(3) Give broad study to the relative merits of the various plans for delivery and distribution of irrigation water to the several portions of the project area, and suggest and advocate the adoption of that plan which appears to most adequately satisfy future and present requirements;

(4) At proper and opportune times urge upon congress the appropriation of funds for commencement of construction of the irrigation project and for its progressive prosecution at rates commensurate with the rate of settlement and development of the project lands;

(5) Study methods and plans for settlement and development of the project lands and actively cooperate with and render aid to federal and other agencies engaged therein;

(6) Engage in a general educational program to gain general recognition of the benefits which will accrue from the project to the state and nation through creation of new wealth, and provide data and information for members of congress, any committee thereof, and for federal officials as an aid in securing needed legislation, contracts, and timely appropriations for the project; and the reclamation section shall be charged with responsibility for studying and obtaining state-wide and national recognition of the potentialities of this project for immediate postwar employment;

(7) Study and further the establishment of such industrial enterprises within or adjacent to the project as will utilize electric energy developed at Coulee Dam and food and fiber crops grown upon the project; and the reclamation section may study and make recommendations with respect to any major matters or plans affecting the economic and social aspect of the project and its present and prospective inhabitants.

43.49.050 Powers of resources section. The resources section of the Columbia Basin commission shall study and promote the development of the hydroelectric resources of the Columbia river and further promote the discovery and use of all mineral, agricultural, and industrial resources of the Columbia river basin.

43.49.060 Secretary and employees—Out-of-state expenses. The Columbia Basin Commission may employ secretaries and such other persons as may be necessary to carry out its functions, fix the compensation to be paid to such employees, and expend funds allocated under the provisions of law as may be necessary for such purposes.

Whenever the commission finds it necessary or desirable, in the interest of the attainment of any of its lawful objectives, to delegate its members, officers, or employees to temporary duties at points outside the state, such representatives, in addition to any other compensation provided for, may be reimbursed in full for actual and necessary traveling, lodging, and subsistence expenses incurred while so engaged.

43.49.070 Cooperation of state departments—Reports—Hearings. The records and data of all state officials and departments shall be available to the commission and its sections, and all officers and departments are directed to cooperate with the commission and its sections.

The commission shall report to all regular and special sessions of the legislature and present statements in detail of all activities, expenditures, and developments, and may recommend such legislation as may be required to promote the construction and development of the project. The commission may hold hearings and subpoena and serve compulsory process to compel the attendance of witnesses before it.

Chapter 43.51

PARKS AND RECREATION COMMISSION

43.51.010 Definitions. For purposes of this chapter, "recreation" means those activities of a voluntary and leisure time nature which aid in promoting entertainment, pleasure, play, relaxation, or instruction.

"Commission" means state parks and recreation commission.

43.51.020 Commission created—Composition. There is hereby created a "state parks and recreation commission" consisting of seven electors of the state. The members of the commission, except three, shall be appointed by the governor by and with the advice and consent of the senate and shall serve for a term of six years, expiring on December 31st of even-numbered years: *Provided*, That of the members first appointed, one shall be appointed for a term of two years, one for a term of four years, and two each for a term of six years. Three members may be elected state officials and

shall be appointed by the governor and serve during the terms for which they were elected.

In making the appointments to the commission, the governor shall choose electors who understand park and recreation needs and interests. No person, except the three state officials mentioned herein shall be appointed if he holds any elective or appointive state, county, or municipal office. Members of the commission shall be entitled to be paid a per diem of fifteen dollars, except that no public official shall receive a per diem, for each day actually spent on duties pertaining to the commission, and in addition shall be allowed their expenses incurred while absent from their usual places of residence upon the same basis as expenses are payable to state officials and employees.

Payment of per diem and expenses, and all other expenses pertaining to the operation of the commission, shall be made upon vouchers certified to by such persons as shall be designated by the commission.

43.51.030 Chairman—Meetings—Quorum. The commission shall elect one of its members as chairman. The commission may be convened at such times as the chairman deems necessary, and a majority shall constitute a quorum for the transaction of business.

43.51.040 Powers and duties—Mandatory. The commission shall:
(1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

(2) Adopt, promulgate, issue, and enforce rules and regulations pertaining to the use, care, and administration of state parks and parkways, which shall become effective ten days after adoption. The commission shall cause a copy of the rules and regulations to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule or regulation posted shall be no defense to any prosecution for the violation thereof.

(3) Permit the use of state parks and parkways by the public under such rules and regulations as shall be prescribed.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.

(5) Grant concessions in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than twenty years, and upon such conditions as shall be approved by the commission: *Provided*, That the commission may, by unanimous consent of its members grant such conces-

sions for terms not to exceed forty years in state parks and parkways lying within the Columbia Basin area in Douglas, Grant, Franklin, and Walla Walla counties and within Mount Spokane state park. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary.

(7) By majority vote of its authorized membership select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights of way for state highways. Option agreements executed under authority of this subdivision shall be valid only if:

(a) The cost of the option agreement does not exceed five percent of the proposed purchase price of the property; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and

(c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property; and

(d) The terminal date of the option does not extend beyond the August first following the regular session of the legislature next succeeding the date of execution of the option agreement.

(e) Not more than three hundred thousand dollars principal sum may be committed in any biennium by use of the process of option agreements.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition for park and parkway purposes of any area not within the limits of any city, and in the care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to the acquisition or improvement of which the state shall have contributed or in whose care, control, or supervision the state shall participate pursuant to the provisions of this section, shall be governed by the provisions hereof.

(9) Investigate and report to the governor on or before the first day of January next preceding the regular session of the legislature regarding any proposed park or parkway, and make recommenda-

tions respecting other regions in the state desirable for state park or parkway purposes.

43.51.050 Additional powers and duties. The commission may: (1) Study and appraise parks and recreational needs of the state and assemble and disseminate information relative to parks and recreation;

(2) Make provisions for the publication and sale in state parks of recreational and historical literature; and

(3) Coordinate the parks and recreational functions of the various state departments, and cooperate with state and federal agencies in the promotion of parks and recreational opportunities.

43.51.060 Further powers—Director of parks and recreation—Salaries. The commission may: (1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper. All fees received by the commission shall be deposited with the state treasurer in the state parks and parkway account;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed ten years; and

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040, and upon his recommendation, a supervisor of recreation, and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof;

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: *Provided*, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

43.51.062 Lease of park lands for television stations. The state parks and recreation commission is hereby authorized to lease the use of such areas in Mount Spokane state park, Steptoe Butte state park, Kamiak Butte state park or any other state park for television stations as the commission may decide are suitable for that purpose: *Provided*, That this authority shall not extend to school lands or lands held by the state of Washington for educational purposes.

43.51.070 Donations of land for park purposes. The commission may receive and accept donations of lands for state park purposes, and shall have the management and control of all lands so acquired. It may from time to time recommend to the legislature the acquisition of lands for park purposes by purchase or condemnation.

43.51.080 Parks in island counties. Whenever any tract of land not exceeding one hundred acres in area considered as a whole regardless of ownership, situated in a county composed entirely of islands and bounded on two or more sides by an established state park, shall in the judgment of the commission be desirable for state park purposes, the commission may lease, purchase, or condemn said tract for park purposes and incorporate it within the adjoining established park: *Provided*, That nothing in this act [1925 ex.s. c 92] shall in any manner abridge the full effect of any existing powers heretofore granted to the state parks and recreation commission.

43.51.090 Bequests and donations of money. The commission may receive in trust any money donated or bequeathed to it, and carry out the terms of such donation or bequest, or, in the absence of such terms, expend the same as it may deem advisable for park or parkway purposes.

Money so received shall be deposited in the state treasury to the credit of the state parks and parkways account.

43.51.100 Withdrawal of granted lands on public highways. Inasmuch as the value of land with standing timber is increasing and will continue to increase from year to year and no loss will be caused to the common school fund or other fund into which the proceeds of the sale of any land held by the state would be paid by postponing the sale thereof, the commissioner of public lands

may, upon his own motion, and shall, when directed so to do by the state parks and recreation commission, withdraw from sale any land held by the state abutting on any public highway and certify to the commission that such land is withheld from sale pursuant to the terms of this section.

Such lands shall not be sold until directed by the legislature, and shall in the meantime be under the care, charge, control, and supervision of the commission.

43.51.110 Withdrawal of other lands—Exchange for lands on highway. The commissioner of public lands may, upon his own motion, and shall, when directed so to do by the state parks and recreation commission, withdraw from sale any land held by the state and not acquired directly from the United States with reservations as to the manner of sale thereof and the purposes for which it may be sold, and certify to the commission that such land is withheld from sale pursuant to the terms of this section.

All such land shall be under the care, charge, control, and supervision of the state parks and recreation commission, and after appraisal in such manner as the commission directs may be exchanged for land of equal value abutting upon a public highway, and to this end the chairman and secretary of the commission may execute deeds of conveyance in the name of the state.

43.51.120 Dedication as parks and parkways. All state parks and parkways, subject to the provisions of this chapter are set apart and dedicated as public parks and parkways for the benefit and enjoyment of all of the people of this state.

43.51.130 Permits for improvement of parks. The state parks and recreation commission may grant permits to improvement clubs or voluntary associations, or committees representing such clubs or associations, to improve, without expense to the state, any state park or parkway, or any lands belonging to the state and withdrawn from sale under the provisions of this chapter.

43.51.140 Application for permit. Any such club, association, or committee, desiring to obtain such permit, shall make application therefor in writing to the commission, describing the lands proposed to be improved and stating the nature of the proposed improvement, and the name and general purpose of the club or association, and the names and places of residence of its officers, and, in case the application is made by a committee, the names and places of residence of the members thereof.

Such application shall be accompanied by a certificate of a judge of the superior court of the county in which the lands are situated, to the effect that he is acquainted with the officers of the club or

association, or the members of the committee, making the application, and that he knows them to be persons of good repute in the community in which they reside.

43.51.150 Plans and specifications. If the state parks and recreation commission determines that the proposed improvement will be of benefit to the public, it shall require the applicant to submit detailed plans and specifications of the proposed improvement, which, as submitted, or as modified by the state parks commission, shall be incorporated in the permit when granted.

43.51.160 Surety bond. Before any permit shall be granted, the applicant shall execute and file with the secretary of state a bond payable to the state, in such penal sum as the commission shall require, with good and sufficient sureties to be approved by the commission, conditioned that the grantee of the permit will make the improvement in accordance with the plans and specifications contained in the permit, and will pay all cost of the improvement and the claims of all laborers and materialmen employed in making or furnishing material for such improvement, and, in case the improvement is made upon lands withdrawn from sale under the provisions of RCW 43.51.100, will pay into the state treasury to the credit of the fund to which the proceeds of the sale of such lands would belong, the appraised value of all merchantable timber and material on the land, destroyed, or used in making such improvement.

43.51.170 Police powers vested in commission and employees. The members of the state parks and recreation commission and such of its employees as the commission may designate shall be vested with police powers to enforce the laws of this state.

43.51.180 Penalties. Every person who:

(1) Cuts, breaks, injures, destroys, takes or removes any tree, shrub, timber, plant, or natural object in any park or parkway; or

(2) Kills, or pursues with intent to kill, any bird or animal in any park or parkway; or

(3) Takes any fish from the waters of any park or parkway, except in conformity with such general rules and regulations as the commission may prescribe; or

(4) Wilfully mutilates, injures, defaces, or destroys any guidepost, notice, tablet, fence, inclosure, or work for the protection or ornamentation of any park or parkway; or

(5) Lights any fire upon any park or parkway, except in such places as the commission has authorized, or wilfully or carelessly permits any fire which he has lighted or which is under his charge, to spread or extend to or burn any of the shrubbery, trees, timber,

ornaments, or improvements upon any park or parkway, or leaves any campfire which he has lighted or which has been left in his charge, unattended by a competent person, without extinguishing it; or

(6) Places within any park or parkway or affixes to any object therein contained, without a written license from the commission, any word, character, or device designed to advertise any business, profession, article, thing, exhibition, matter, or event; or

(7) Violates any rule or regulation adopted, promulgated, or issued by the commission pursuant to the provisions of this chapter; shall be guilty of a misdemeanor.

43.51.210 Disposal of land not needed for park purposes. Whenever the state parks and recreation commission finds that any land under its control cannot advantageously be used for park purposes, it is authorized to dispose of such land. If such lands are school or other grant lands, control thereof shall be relinquished by resolution of the commission to the proper state officials. If such lands were acquired under restrictive conveyances by which the state may hold them only so long as they are used for park purposes, they may be returned to the donor or grantors by the commission. All other such lands may be either sold by the commission to the highest bidder or exchanged for other lands of equal value by the commission with the approval of the department of natural resources, and all conveyance documents shall be executed by the governor. Sealed bids on all sales shall be solicited at least twenty days in advance of the sale date by an advertisement appearing at least in three consecutive issues of a newspaper of general circulation in the county in which the land to be sold is located. All proceeds derived from the sale of such park property shall be paid into the parks and parkway account. All land considered for exchange shall be evaluated by the commission to determine its adaptability to park usage. The equal value of all lands exchanged shall first be determined by appraisals to the satisfaction of the department of natural resources: *Provided*, That no sale or exchange of state park lands shall be made without the unanimous consent of the commission.

43.51.220 Small boat facilities for Puget Sound authorized. To encourage the development of the Puget Sound country as a recreational boating area, the commission is authorized to establish landing and other facilities for small pleasure boats at places on Puget Sound frequented by such boats and where the commission shall find such facilities will be of greatest advantage to the users of pleasure boats. The commission is authorized to acquire land or to make use of lands belonging to the state for such purposes, and to

construct the necessary floats and other desirable structures and to make such further development of any area used in connection therewith as in the judgment of the commission is best calculated to facilitate the public enjoyment thereof.

43.51.230 Lease with option to purchase parental school facilities. The commission may execute leases with options to purchase and then subsequently purchase but not before July 1, 1961, the parental school facilities now or hereafter owned or operated by school districts. Leases with options to purchase shall include such terms and conditions as the commission deems reasonable and necessary to acquire the facilities. Notwithstanding any provisions of law to the contrary, the board of directors of each school district now or hereafter owning or operating parental school facilities may, without submission for approval to the voters of the school district, sell or execute leases with options to purchase such parental school facilities. Leases with options to purchase shall include such terms and conditions as the board of directors deems reasonable and necessary to dispose of the facilities in a manner beneficial to the school district. The commission, if it enters into a lease with option to purchase parental school facilities, may exercise its option and purchase such parental school facilities; and a school district may, if it enters into a lease with an option to purchase parental school facilities, upon exercise of the option to purchase by the commission, sell such parental school facilities and such sale may be accomplished without first obtaining a vote of approval from the electorate of the school district.

Youth Development and Conservation Corps

43.51.500 Declaration of purpose. The purpose of RCW 43.51.500 through 43.51.570 is to provide: (1) The opportunity for healthful employment of young men in programs of conservation, developing, improving, and maintaining natural and artificial recreational areas for the welfare of the general public; (2) the opportunity for our young men to learn vocational and work skills, develop good work habits and a sense of responsibility and contribution to society, improvement in personal physical and moral well being, and an understanding and appreciation of nature.

43.51.510 Youth development and conservation division established—Supervisory personnel. There is hereby created and established a youth development and conservation division within the state parks and recreation commission (hereafter referred to as the "commission"). The commission shall appoint such supervisory personnel as necessary to carry out the purposes of RCW 43.51.500 through 43.51.570.

43.51.520 Youth development and conservation committee. There is established a committee of advisors to be known as the youth development and conservation committee (hereinafter referred to as the "committee"). The committee shall be composed of nine members as follows: A member of the state parks and recreation commission, representatives of the: Department of commerce and economic development, state board of education, department of fisheries, department of game, employment security department, commissioner of public lands, department of conservation, and one member to be appointed by the governor. The members of the committee shall serve without compensation for their time and expenses in fulfilling their duties, except that public employees shall be eligible for their normal compensation as in the performance of regular duties. The committee shall name one of its members as chairman. The committee shall meet on call by the chairman, or as needed to review the operations of the program and recommend in general: The kind of work performed, the training and development provided the enrollers, the public lands designated as project areas, and improvements in the general program.

43.51.530 Composition of youth corps—Qualifications, conditions, period of enrollment, etc. Composition of the corps shall consist of male individuals who are citizens of the United States and residents of the state of Washington of good character and health, and who are not less than sixteen nor more than twenty-one years of age. In order to enroll, an individual must agree to comply with rules and regulations promulgated by the commission. The period of enrollment shall be for thirty, sixty or ninety days or for such shorter period as determined by the commission. If permitted by the commission an individual may reenroll, but his total enrollment shall not exceed forty weeks. Enrollment shall basically be allocated on a percentage basis to each of the forty-nine legislative districts on the basis of the ratio that the population of each district bears to the total population of the state of Washington, but the commission may also take into account problems of substantial unemployment in certain areas.

43.51.540 Compensation—Quarters—Hospital services, etc. (1) The base compensation shall be at the rate of twenty-five dollars per week, except that an additional five dollars per week may be paid on the basis of assigned leadership responsibilities or special skills.

(2) Enrollees shall be furnished quarters, subsistence, medical and hospital services, transportation, equipment, as the commission may deem necessary and appropriate for their needs. Such quar-

ters, subsistence, and equipment may be furnished by any governmental or public agency.

43.51.550 Laws relating to hours, conditions of employment, civil service, etc., not applicable. Existing provisions of law with respect to hours of work, rate of compensation, sick leave, vacation, civil service and unemployment compensation shall not be applicable to enrollees or temporary employees working under the provisions of RCW 43.51.500 through 43.51.570.

43.51.560 Expenditures, gifts, government surplus materials. The commission may expend such amounts as necessary for supplies, material and equipment to be used by enrollees in connection with their work, recreation, health, or welfare; the commission shall purchase government surplus materials, supplies and equipment when available and as needed.

The commission may accept any gifts, grants or contributions of money, material, lands, or personal property as it deems appropriate and may administer and dispose of them as it determines to be in the interests of the general public.

43.51.570 Agreements with private persons to enroll additional people—Commercial activities prohibited—Authorized closures of area. The commission may, by agreement with an individual or company enroll and supervise additional young men, 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.

Chapter 43.52

OPERATING AGENCIES (POWER COMMISSION)

43.52.250 Definitions. As used in this chapter and unless the context indicates otherwise, words and phrases shall mean:

“Commission” means the Washington state power commission.

“District” means a public utility district as created under the laws of the state of Washington authorized to engage in the business of generating and/or distributing electricity.

“City” means any city or town in the state of Washington authorized to engage in the business of generating and/or distributing electricity.

“Canada” means the Dominion of Canada or any province thereof.

“Public utility” means any person, firm or corporation, political subdivision or governmental subdivision including cities, towns and public utility districts engaged in or authorized to engage in the business of generating, transmitting or distributing electric energy.

43.52.260 Declaration of policy—General duties of commission—Scope of authority. It is the intent of this act [1955 c 258] and this chapter that the commission shall represent the state of Washington and aid and assist the public utilities therein to the end that its water resources and other resources shall be properly developed for the best public interest insofar as they affect electric power, and to this end (1) the commission shall develop and integrate such resources as necessary whenever public utilities other than those owned by the United States and its agencies are not in a position so to do, and (2) the commission shall join with Canada, the United States, the states thereof, and their agencies to develop and integrate the water resources and other resources of the region, and particularly that area incorporated within the watershed of the Columbia river and its tributaries.

The authority granted in this chapter shall apply equally to the generating of electricity by water power, by steam power, by atomic power or by any other means whatsoever.

43.52.272 Power commission abolished. The Washington state power commission is hereby abolished.

43.52.290 Commission members — Compensation — May hold other public position. Members of the commission shall be paid the sum of fifty dollars per day for each day or major part thereof devoted to the business of the commission, together with their traveling and other necessary expenses. Such member may, regardless of any charter or other provision to the contrary, be an officer or employee holding another public position and, if he be such other public officer or employee, he shall be paid by the commission such amount as will, together with the compensation for such other public position equal the sum of fifty dollars per day.

43.52.300 Powers and duties of commission. The commission shall have authority:

(1) To generate, produce, transmit, deliver, exchange, purchase or sell electric energy and to enter into contracts for any or all such purposes.

(2) To construct, condemn, purchase, lease, acquire, add to, extend, maintain, improve, operate, develop and regulate plants, works and facilities for the generation and/or transmission of electric energy and to take, condemn, purchase, lease and acquire any real or personal, public or private property, franchise and property rights, including but not limited to state, county and school lands and properties, for any of the purposes herein set forth and for any facilities or works necessary or convenient for use in the construction, maintenance or operation of any such works, plants and facilities; provided that the commission shall not be authorized to acquire by condemnation any plants, works and facilities owned and operated by any city or district, or by a privately owned public utility. The commission shall be authorized to contract for and to acquire by lease or purchase from the United States or any of its agencies, any plants, works or facilities for the generation and transmission of electricity and any real or personal property necessary or convenient for use in connection therewith.

(3) To negotiate and enter into contracts with the United States or any of its agencies, with any state or its agencies, with Canada or its agencies or with any district or city of this state, for the lease, purchase, construction, extension, betterment, acquisition, operation and maintenance of all or any part of any electric generating and transmission plants and reservoirs, works and facilities or rights necessary thereto, either within or without the state of Washington, and for the marketing of the energy produced therefrom. Such negotiations or contracts shall be carried on and concluded with due regard to the position and laws of the United States in respect to international agreements.

(4) To negotiate and enter into contracts for the purchase, sale, exchange, transmission or use of electric energy or falling water with any person, firm or corporation, including political subdivisions and agencies of any state, of Canada, or of the United States, at fair and nondiscriminating rates.

(5) To apply to the appropriate agencies of the state of Washington, the United States or any state thereof, and to Canada and/or to any other proper agency for such permits, licenses or approvals as may be necessary, and to construct, maintain and operate works, plants and facilities in accordance with such licenses or permits, and to obtain, hold and use such licenses and permits in the same manner as any other person or operating unit.

(6) To establish rates for electric energy sold or transmitted by the commission. When any revenue bonds or warrants are outstanding the commission shall have the power and shall be required to establish and maintain and collect rates or charges for electric energy, falling water and other services sold, furnished or supplied

by the commission which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal and interest on such bonds or warrants and all payments which the commission is obligated to set aside in any special fund or funds created for such purposes, and for the proper operation and maintenance of the public utility owned by the commission and all necessary repairs, replacements and renewals thereof.

(7) To act as agent for the purchase and sale at wholesale of electricity for any city or district whenever requested so to do by such city or district.

(8) To contract for and to construct, operate and maintain fishways, fish protective devices and facilities and hatcheries as necessary to preserve or compensate for projects operated by the commission.

(9) To construct, operate and maintain channels, locks, canals and other navigational, reclamation, flood control and fisheries facilities as may be necessary or incidental to the construction of any electric generating project, and to enter into agreements and contracts with any person, firm or corporation, including political subdivisions of any state, of Canada or the United States for such construction, operation and maintenance, and for the distribution and payment of the costs thereof.

(10) To employ legal, engineering and other professional services and fix the compensation of a managing director and such other employees as the commission may deem necessary to carry on its business, and to delegate to such manager or other employees such authority as the commission shall determine. Such manager and employees shall be appointed for an indefinite time and be removable at the will of the commission.

(11) To study, analyze and make reports concerning the development, utilization and integration of electric generating facilities and requirements within the state and without the state in that region which affects the electric resources of the state.

43.52.340 May not obligate state—Disposition of revenues. The commission shall have no right or power to impose any debt nor to suffer or create any financial obligation upon the state of Washington or its subdivisions.

No revenues received by the commission for the sale of electricity or otherwise, shall be expended except for the payment of lawful obligations of the commission and all such revenues and receipts shall be kept and maintained in a separate fund.

43.52.3411 Revenue bonds or warrants. For the purposes provided for in this chapter, an operating agency shall have power to issue revenue bonds or warrants payable from the revenues of the

utility properties operated by it. Whenever the board of a joint operating agency shall deem it advisable to issue bonds or warrants to construct or acquire any public utility or any works, plants or facilities or any additions or betterments thereto or extensions thereof it shall provide therefor by resolution, which shall specify and adopt the system or plan proposed and declare the estimated cost thereof as near as may be. Such cost may include funds for working capital, for payment of expenses incurred in the acquisition or construction of the utility and for repayment of advances made to the operating agency by any public utility district or city. Except as otherwise provided in RCW 43.52.343, all the provisions of law as now or hereafter in effect relating to revenue bonds or warrants of public utility districts shall apply to revenue bonds or warrants issued by the joint operating agency including, without limitation, provisions relating to: The creation of special funds and the pledging of revenues thereto; the time and place of payment of such bonds or warrants and the interest rate or rates thereon; the covenants that may be contained therein and the effect thereof; the execution, issuance, sale, funding, or refunding, redemption and registration of such bonds or warrants; and the status thereof as negotiable instruments, as legal securities for deposits of public moneys and as legal investments for trustees and other fiduciaries and for savings and loan associations, banks and insurance companies doing business in this state.

43.52.343 ————**Advertisement, bid, sale.** All bonds issued by an operating agency shall be sold to the highest and best bidder after such advertising for bids as the board of the operating agency may deem proper: *Provided*, That the board may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as it may deem most advantageous to its own interests.

43.52.350 Commission to provide fishways, facilities and hatcheries—Contracts. The commission shall, at the time of the construction of any dam or obstruction, construct and shall thereafter maintain and operate such fishways, fish protective facilities and hatcheries as the director of game and the director of fisheries may jointly find necessary to permit anadromous fish to pass any dam or other obstruction operated by the commission or to replace fisheries damaged or destroyed by such dam or obstruction and the commission is further authorized to enter into contracts with the department of game and the department of fisheries to provide for the construction and/or operation of such fishways, facilities and hatcheries.

43.52.360 Operating agency—Formation—Additional projects—Appeals—Membership, withdrawal—Dissolution. Any two or more cities or public utility districts or combinations thereof may form an operating agency (herein sometimes called a joint operating agency) for the purpose of acquiring, constructing, operating and owning plants, systems and other facilities and extensions thereof, for the generation and/or transmission of electric energy and power. Each such agency shall be a municipal corporation of the state of Washington with the right to sue and be sued in its own name.

Application for the formation of an operating agency shall be made to the director of conservation (herein sometimes referred to as the director) after the adoption of a resolution by the legislative body of each city or public utility district to be initial members thereof authorizing said city or district to participate. Such application shall set forth (1) the name and address of each participant, together with a certified copy of the resolution authorizing its participation; (2) a general description of the project and the principal project works, including dams, reservoirs, power houses and transmission lines; (3) the general location of the project and, if a hydroelectric project, the name of the stream on which such proposed project is to be located; (4) if the project is for the generation of electricity, the proposed use or market for the power to be developed; (5) a general statement of the electric loads and resources of each of the participants; (6) a statement of the proposed method of financing the preliminary engineering and other studies and the participation therein by each of the participants.

Within ten days after such application is filed with the director of conservation notice thereof shall be published by the director once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which such project is to be located, setting forth the names of the participants and the general nature, extent and location of the project. Any public utility wishing to do so may object to such application by filing an objection, setting forth the reasons therefor, with the director of conservation not later than ten days after the date of last publication of such notice.

Within ninety days after the date of last publication the director shall either make findings thereon or have instituted a hearing thereon. In event the director has neither made findings nor instituted a hearing within ninety days of the date of last publication, or if such hearing is instituted within such time but no findings are made within one hundred and twenty days of the date of such last publication, the application shall be deemed to have been approved and the operating agency established. If it shall appear (a) that the statements set forth in said application are substantially cor-

rect; (b) that the contemplated project is such as is adaptable to the needs, both actual and prospective, of the participants and such other public utilities as indicate a good faith intention by contract or by letter of intent to participate in the use of such project; (c) that no objection to the formation of such operating agency has been filed by any other public utility which prior to and at the time of the filing of the application for such operating agency had on file a permit or license from an agency of the state or an agency of the United States, whichever has primary jurisdiction, for the construction of such project; (d) that adequate provision will be made for financing the preliminary engineering, legal and other costs necessary thereto; the director shall make findings to that effect and enter an order creating such operating agency, establishing the name thereof and the specific project for the construction and operation for which such operating agency is formed. Such order shall not be construed to constitute a bar to any other public utility proceeding according to law to procure any required governmental permits, licenses or authority, but such order shall establish the competency of the operating agency to proceed according to law to procure such permits, licenses or authority.

No operating agency shall undertake projects in addition to those for which it was formed without the approval of the legislative bodies of a majority of the members thereof. In the event that an operating agency desires to undertake such a hydroelectric project at a site or sites upon which any publicly or privately owned public utility has a license or permit or has a prior application for a license or permit pending with any commission or agency, state or federal, having jurisdiction thereof, application to construct such additional project shall be made to the director of conservation in the same manner, subject to the same requirements and with the same notice as required for an initial agency and project and shall not be constructed until an order authorizing the same shall have been made by the director in the manner provided for such original application.

Any party who has joined in filing the application for, or objections against, the creation of such operating agency and/or the construction of an additional project, and who feels aggrieved by any order or finding of the director shall have the right to appeal to the superior court in the manner set forth in RCW 43.52.430.

After the formation of an operating agency, any other city or district may become a member thereof upon application to such agency after the adoption of a resolution of its legislative body authorizing said city or district to participate, and with the consent of the operating agency by the affirmative vote of the majority of its members. Any member may withdraw from an operating agency,

and thereupon such member shall forfeit any and all rights or interest which it may have in such operating agency or in any of the assets thereof: *Provided*, That all contractual obligations incurred while a member shall remain in full force and effect. An operating agency may be dissolved by the unanimous agreement of the members, and the members, after making provisions for the payment of all debts and obligations, shall thereupon hold the assets thereof as tenants in common.

43.52.370 Operating agency board—Members, appointment, vote, term, etc.—Rules—Proceedings. The management and control of an operating agency shall be vested in a board of directors, herein sometimes referred to as the board. The legislative body of each member of an operating agency shall appoint a representative who may, at the discretion of the member and regardless of any charter or other provision to the contrary, be an officer or employee of the member, to serve on the board of the operating agency. Each representative shall have one vote and shall have, in addition thereto, one vote for each block of electric energy equal to ten percent of the total energy generated by the agency during the preceding year purchase by the member represented by such representative. Each member may appoint an alternative representative to serve in the absence or disability of its representative. Each representative shall serve at the pleasure of the member. The board of an operating agency shall elect from its members a president, vice president and secretary, who shall serve at the pleasure of the board. The president and secretary shall perform the same duties with respect to the operating agency as are provided by law for the president and secretary, respectively, of public utility districts, and such other duties as may be provided by motion, rule or resolution of the board. The board of an operating agency shall adopt rules for the conduct of its meetings and the carrying out of its business, and adopt an official seal. All proceedings of an operating agency shall be by motion or resolution and shall be recorded in the minute book which shall be a public record. A majority of the board members shall constitute a quorum for the transaction of business. A majority of the votes which the members present are entitled to cast shall be necessary and sufficient to pass any motion or resolution: *Provided*, That such board members are entitled to cast a majority of the votes of all members of the board. The members of the board of an operating agency may be compensated by such agency to the same extent and subject to the same limitations as is provided for members of the commission in RCW 43.52.290: *Provided*, That the per diem compensation to any member shall not exceed five thousand dollars in any year.

43.52.373 Executive committee—Composition, powers and duties, terms. The board of an operating agency by rule may create an executive committee to be composed of not less than three nor more than seven members of the board. The board may provide by rule for the composition of the executive committee so as to afford, in its judgment, fair representation to the member public utility districts and cities. The executive committee shall administer the business of the board during intervals between its meetings in accordance with its rules, motions or resolutions. The executive committee shall have authority to acquire or construct only such properties as may be provided for by motion or resolution of the board. The terms of office of the members of the executive committee and the method of filling vacancies therein shall be fixed by the rules of the board of the operating agency.

43.52.375 Treasurer—Auditor—Official bonds—Funds. The board of each joint operating agency shall by resolution appoint a treasurer. Before entering upon his duties the treasurer shall give bond to the operating agency, with a surety company authorized to write such bonds in this state as surety, in an amount which the board finds by resolution will protect the operating agency against loss, conditioned that all funds which he receives as such treasurer will be faithfully kept and accounted for and for the faithful discharge of his duties. The amount of such bond may be decreased or increased from time to time as the board may by resolution direct. The board shall also appoint an auditor and may require him to give a bond with a surety company authorized to do business in the state of Washington in such amount as it shall by resolution prescribe, conditioned for the faithful discharge of his duties. The premiums on the bonds of the auditor and the treasurer shall be paid by the operating agency. The board may provide for coverage of said officers and other persons on the same bond.

All funds of the joint operating agency shall be paid to the treasurer and shall be disbursed by him only on warrants issued by the auditor upon orders or vouchers approved by the board: *Provided*, That the board by resolution may authorize the executive committee to approve or disapprove vouchers presented to defray salaries of employees and other expenses of the operating agency arising in the usual and ordinary course of its business and expenses incurred by the committee in the performance of such duties as the operating agency may authorize it to perform. All moneys of the operating agency shall be deposited forthwith by the treasurer in such depositories, and with such securities as are designated by rules of the board. The treasurer shall establish a general fund and such special funds as shall be created by the board, into which he

shall place all money of the joint operating agency as the board by resolution or motion may direct.

43.52.380 Member's preference to buy energy—Apportionment—Surplus. Members shall have a preference right to the purchase of all electric energy generated by an operating agency. As between members, the amount of electric energy to which each shall be entitled shall be computed annually and shall be based on the same percentage as the purchases of such member bore to the total generation of the operating agency for the preceding year. Surplus electric energy, that is energy not contracted for by the members, may be sold to any public utility authorized by law to distribute and sell electric energy.

43.52.391 Powers and duties of operating agency. Except as otherwise provided in this section, a joint operating agency shall have all powers now or hereafter granted public utility districts under the laws of this state. It shall not acquire nor operate any electric distribution properties nor condemn any properties owned by a public utility which are operated for the generation and transmission of electric power and energy or are being developed for such purposes with due diligence under a valid license or permit, nor purchase or acquire any operating hydroelectric generating plant owned by any city or district on June 11, 1953, or which may be acquired by any city or district by condemnation on or after January 1, 1957, nor levy taxes, issue general obligation bonds, or create subdistricts. It may enter into any contracts, leases or other undertakings deemed necessary or proper and acquire by purchase or condemnation any real or personal property used or useful for its corporate purposes. Actions in eminent domain may be instituted in the superior court of any county in which any of the property sought to be condemned is located and the court in any such action shall have jurisdiction to condemn property wherever located within the state; otherwise such actions shall be governed by the same procedure as now or hereafter provided by law for public utility districts. An operating agency may sell steam or water not required by it for the generation of power and may construct or acquire any facilities it deems necessary for that purpose.

An operating agency may make contracts for any term relating to the purchase, sale, interchange or wheeling of power with the government of the United States or any agency thereof and with any municipal corporation or public utility, within or without the state, and may purchase or deliver power anywhere pursuant to any such contract. An operating agency may acquire any coal-bearing lands for the purpose of assuring a long-term, adequate supply of coal to supply its needs, both actual and prospective, for

the generation of power and may make such contracts with respect to the extraction, sale or disposal of coal that it deems proper. In addition to the power and authority granted in this chapter to an operating agency, it shall also have all power and authority heretofore granted, and shall be subject to all of the duties imposed upon, the Washington state power commission by RCW 43.52.300 and RCW 43.52.350.

Any member of an operating agency may advance or contribute funds to an agency as may be agreed upon by the agency and the member, and the agency shall repay such advances or contributions from proceeds of revenue bonds, from operating revenues or from any other funds of the agency, together with interest not to exceed six percent per annum.

43.52.410 City or district may contract for electric energy or falling waters. Any city or district is authorized to enter into contracts or compacts with the commission or any operating agency or a publicly or privately owned public utility for the purchase and sale of electric energy or falling waters.

43.52.430 Appeals from commission or director. Any party in interest deeming itself aggrieved by any order of the commission or of the director of conservation may appeal to the superior court of Thurston county by serving upon the commission or director, as the case may be, and filing with clerk of said court within thirty days after the entry of the order a notice of appeal. The commission or director shall within ten days after service of the notice of appeal file with the clerk of the court its or his return containing a true copy of the order appealed from, together with a transcript of the record of the proceeding before the commission or director, after which the appeal shall be at issue. The appeal shall be heard and decided by the court upon the record before the commission or director and the court may either affirm, set aside, or remand the order appealed from for further proceedings. Appeal may be had to the supreme court as in the case of civil appeals.

43.52.440 Effect of chapter on "Columbia River Sanctuary Act." Nothing contained in this chapter shall be construed to amend, modify or repeal in any manner any of the terms and provisions of section 1, chapter 9, Laws of 1949, RCW 75.20.010, commonly known as the "Columbia River Sanctuary Act", and all matter herein contained shall be expressly subject to such act.

43.52.450 Chapter requirements are cumulative—Preservation of rights—Not subject to utilities and transportation commission. The provisions of this chapter shall be cumulative and shall not impair or supersede the powers or rights of any person, firm or cor-

poration or political subdivision of the state of Washington under any other law. The rights of all persons, firms, corporations and political subdivisions or operating units of any kind under existing contracts, renewals thereof or supplements thereto, with the United States, or any agency thereof, for power, are hereby preserved and such rights shall not be impaired or modified by any of the provisions of this chapter or any of the powers granted by this chapter.

The rates, services and practices of the commission or any operating agency in respect to the power generated, transmitted or sold by it shall not be governed by the regulations of the utilities and transportation commission.

43.52.460 Operating agency to pay in lieu of taxes. Any joint operating agency formed under this chapter shall pay in lieu of taxes payments in the same amounts as paid by public utility districts. Such payments shall be distributed in accordance with the provisions applicable to public utility districts: *Provided, however,* That such tax shall not apply to steam generated electricity.

43.52.470 Operating agency—Validity of organization and existence. Except as provided in RCW 43.52.360, the validity of the organization of any joint operating agency can be questioned only by action instituted within six months from the date that the joint operating agency is created. If the validity of the existence of any joint operating agency is not challenged within that period, by the filing and service of a petition or complaint in the action, the state shall be barred forever from questioning the validity of the joint operating agency by reason of any defect claimed to exist in the organization thereof, and it shall be deemed validly organized for all purposes. Any joint operating agency heretofore (March 26, 1957) attempted to be organized pursuant to chapter 43.52 and which has maintained its existence since the date of such attempted organization, is hereby declared legal and valid and its organization and creation are validated and confirmed.

43.52.910 Construction. This chapter shall be liberally construed to effectuate its purposes.

Chapter 43.56

UNIFORM LEGISLATION COMMISSION

43.56.010 Appointment of commissioners. The governor shall appoint three suitable persons as a board of commissioners for the promotion of uniformity of legislation in the United States. Any vacancy on the board shall be filled by appointment by the governor.

43.56.020 Duties of commission. The board shall examine the subjects of marriage and divorce, insolvency, the descent and distribution of property, the execution and probate of wills, and other subjects upon which uniformity of legislation in the various states is desirable, but which are outside of the jurisdiction of the congress of the United States.

It shall confer upon these matters with the commissioners appointed by other states for the same purpose and consider and draft uniform laws to be submitted for approval and adoption by the several states; and generally devise and recommend such other and further course of action as shall accomplish such uniformity.

43.56.030 Record to be kept—Reports. The board shall keep a record of all its transactions, and shall, at each biennial session, and may at any other time, make a report to the legislature, of its doings and recommendations.

43.56.040 Remuneration of members. No member of the board shall receive any compensation for his services, but each member shall be repaid from the state treasury the amount of his actual traveling and other necessary expenses incurred in the discharge of his official duty, after the account thereof has been audited by the board.

The board shall keep a full account of its expenditures and shall report it in each report. There shall be allowed such expenses for only one annual meeting of the board within this state, and for the members in attendance, not oftener than once in each year, at any conference of commissioners outside of this state.

Chapter 43.57

INTERSTATE COMPACT COMMISSION

43.57.010 Commission created—Appointment of members—Purpose. There is created the interstate compact commission to consist of five members, no more than three of which shall have the same political party affiliation, to be appointed as follows: One member, appointed by the governor, who shall be the chairman and who shall serve at the pleasure of the governor, and four members of the state legislature, two of whom shall be members of the house of representatives and shall be appointed by the speaker of the house, and two of whom shall be members of the senate and shall be appointed by the president of the senate. The commission shall represent the state on a joint commission to be composed of commissioners representing the states of Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming and one or more commissioners representing

the United States, should they be appointed to said joint commission by the president of the United States, which joint commission shall be organized for the purpose of considering, negotiating and entering into an agreement or compact between not less than five of said states, with the consent of the congress of the United States respecting the division, apportionment and use of the waters of the Columbia river and of its tributaries and the determination of rights in connection therewith and incidental thereto.

43.57.020 Powers and duties—Per diem and expenses—Term of office. The commission representing the state on said joint commission shall have full authority to consider and carry on negotiations for such agreement or compact, to attend meetings of the joint commission convening in or out of the state, to employ clerical, legal and engineering assistance and generally to perform such duties as shall be required of the members thereof in carrying out the purpose and intent of this chapter; the term of office of said commissioners shall be from June 11, 1953, until an agreement or compact binding on the state of Washington under the provisions of RCW 43.57.030 has been entered into. Any vacancies occurring in the membership of said commission shall be filled by the appointive power shown in RCW 43.57.010. Members of the commission representing the state who are not in the regular employ of the state shall receive a per diem of fifteen dollars for the time actually spent on the work of the commission, and reimbursement for subsistence and traveling expenses incurred while away from their respective places of abode. Members of the commission who are in the regular employ of the state shall receive no per diem, but shall receive reimbursement for subsistence and traveling expenses incurred while away from their respective places of abode, in lieu of other provisions made by law for reimbursement of their expenses as such state employees. Payment of all expenses incurred by the interstate compact commission, including the per diem and expenses of its members, shall be made on vouchers approved by its chairman.

43.57.030 When agreement or compact is binding upon states. Any agreement or compact approved by said joint commission on behalf of said states shall not be binding or obligatory upon any of said states or the citizens thereof, until and unless the same shall have been ratified and approved by the legislatures of not less than five of said states and by the congress of the United States: *Provided*, That said agreement or compact shall not be binding upon any state the legislature of which fails to ratify or approve the same.

Chapter 43.58**WASHINGTON—OREGON BOUNDARY COMMISSION**

43.58.050 Oregon-Washington Columbia River boundary compact—Ratification. The interstate compact determining the Oregon-Washington boundary on the Columbia River which was executed on the 21st day of December, 1956 by the Oregon commission on interstate cooperation for the state of Oregon and the Washington-Oregon boundary commission for the state of Washington is hereby ratified and approved.

43.58.060 ————Terms and provisions. The terms and provisions of the compact referred to in RCW 43.58.050 are as follows:

**INTERSTATE COMPACT DETERMINING OREGON-
WASHINGTON BOUNDARY ON THE
COLUMBIA RIVER**

ARTICLE I. PURPOSE

The boundary between the states of Oregon and Washington along the course of the Columbia River has not been easy to ascertain because of changes in the main channel of the river with a result that a state of confusion and dispute exists and the enforcement and administration of the laws of the two states has been rendered difficult.

The purpose of this compact is to fix with precision by reference to stations of longitude and latitude the boundary between the states of Oregon and Washington from one marine league due west of the mouth of the Columbia River to the most easterly point at which the 46th parallel of North latitude crosses said river, at which point the river ceases to form the boundary between the two states.

ARTICLE II. DESCRIPTION

The boundary between the states of Oregon and Washington from one marine league due west of the mouth of the Columbia River to the point at which the last described point number (#191) of the boundary as herein determined meets the 46th parallel of North latitude at 118°59'10".12 of West longitude shall be as follows:

Beginning one marine league at sea off the mouth of the Columbia river at north latitude 46°15'00".00; running thence due east to point number 1 of this description, which point is at north latitude 46°15'00".00, west longitude 124°05'00".00; thence from point number

1 continuing upstream in the channel of the Columbia river by a series of straight lines connecting the following numbered and described points in consecutive order.

Point Number	North Latitude	West Longitude	Description of Location
1	46°15'00".00	124°05'00".00	
2	46°15'51".00	124°02'02".75	
3	46°16'17".00	124°01'45".80	
4	46°16'59".50	124°02'14".40	
5	46°17'28".00	124°02'07".00	
6	46°17'33".25	124°01'12".25	
7	46°16'41".50	124°00'00".00	
8	46°16'03".00	123°58'11".80	
9	46°14'19".80	123°55'42".00	
10	46°14'06".00	123°52'14".50	
11	46°16'09".50	123°44'20".50	
12	46°15'01".00	123°41'12".70	
13	46°15'33".30	123°38'52".80	
14	46°15'23".90	123°35'05".00	
15	46°15'38".00	123°32'23".00	
16	46°16'14".60	123°30'00".00	
17	46°15'46".70	123°27'51".40	
18	46°14'23".50	123°25'51".60	
19	46°13'10".50	123°25'20".50	
20	46°11'29".00	123°25'43".60	
21	46°10'47".80	123°25'38".00	
22	46°09'01".00	123°23'21".50	
23	46°08'33".00	123°18'45".60	
24	46°09'04".50	123°15'47".20	
25	46°10'00".00	123°13'51".20	
26	46°11'20".80	123°09'55".50	
27	46°11'11".30	123°07'10".90	
28	46°09'40".00	123°04'23".50	
29	46°09'24".00	123°03'22".40	
30	46°08'38".40	123°02'00".00	
31	46°08'06".00	123°00'16".00	
32	46°06'20".02	122°57'44".28	
33	46°06'17".36	122°57'38".295	a point on the center line of the Longview Bridge at center of main span
34	46°06'14".71	122°57'32".31	
35	46°05'02".70	122°54'11".00	
36	46°03'37".50	122°52'59".50	
37	46°01'53".50	122°52'35".50	

Point Number	North Latitude	West Longitude	Description of Location
38	46°00'52".25	122°51'17".20	
39	45°58'52".00	122°50'11".80	
40	45°57'40".00	122°48'46".80	
41	45°55'57".00	122°48'18".00	
42	45°54'47".00	122°48'36".75	
43	45°53'05".00	122°47'48".30	
44	45°52'06".00	122°47'01".50	
45	45°50'40".00	122°47'04".50	
46	45°49'31".20	122°47'41".00	
47	45°48'37".00	122°47'40".00	
48	45°46'51".00	122°46'06".30	
49	45°45'34".20	122°45'37".00	
50	45°44'04".70	122°45'32".00	
51	45°42'05".00	122°46'16".00	
52	45°40'50".80	122°46'24".00	
53	45°39'26".75	122°45'46".00	
54	45°38'40".00	122°44'13".00	
55	45°38'17".00	122°42'47".50	
56	45°37'35".37	122°41'35".14	
57	45°37'29".47	122°41'23".855	a point on the center line of Northern Pacific Railroad Bridge across Columbia River, which point is at center of 3rd pier south of the draw span
58	45°37'26".52	122°41'18".215	
59	45°37'07".85	122°40'33".42	
60	45°37'05".938	122°40'26".939	a point on the center line of the west highway bridge crossing the Columbia River between Portland, Ore. and Vancouver, Wash., said point being 12.0 ft. south from the center of pier No. 6 of said bridge
61	45°37'05".62	122°40'25".86	a point on the center line of the east highway bridge crossing the Columbia River between Portland, Ore.

Point Number	North Latitude	West Longitude	Description of Location
			and Vancouver, Wash., said point being 12.0 ft. south from the center of pier No. 6 of said bridge
62	45°37'03".71	122°40'19".38	
63	45°36'34".00	122°38'27".00	
64	45°36'29".80	122°36'21".30	
65	45°36'20".00	122°35'20".00	
66	45°35'47".90	122°32'48".00	
67	45°35'23".50	122°31'24".20	
68	45°35'01".00	122°29'30".00	
69	45°34'42".80	122°28'20".50	
70	45°34'03".00	122°27'09".30	
71	45°33'49".00	122°26'15".80	
72	45°34'03".30	122°24'36".50	
73	45°34'29".50	122°23'25".80	
74	45°34'33".40	122°22'44".00	
75	45°34'10".00	122°21'04".00	
76	45°32'55".20	122°19'49".00	
77	45°32'38".00	122°17'43".70	
78	45°32'38".80	122°15'56".70	
79	45°33'03".25	122°14'24".50	
80	45°33'55".00	122°11'58".50	
81	45°34'37".00	122°10'54".00	
82	45°35'03".00	122°08'25".50	
83	45°34'53".40	122°06'40".00	
84	45°35'00".00	122°06'02".00	
85	45°36'35".00	122°02'35".00	
86	45°36'53".80	122°01'11".50	
87	45°36'58".00	122°00'08".50	
88	45°37'23".00	121°58'54".50	
89	45°37'59".00	121°57'42".80	
90	45°38'37".50	121°57'16".50	
91	45°38'42".00	121°57'01".80	
92	45°38'40".35	121°56'37".34	
93	45°38'40".13	121°56'22".57	a point at the inter- section of the axis of Bonneville Dam and the center line of center pier of the spillway of said dam
94	45°38'39".82	121°56'01".46	

Point Number	North Latitude	West Longitude	Description of Location
95	45°39'17".00	121°54'25".00	
96	45°39'43".85	121°53'58".48	a point on center line of bridge at Cascade Locks, known as "The Bridge of the Gods" and in the center of the main span of said bridge
97	45°39'44".81	121°53'58".16	
98	45°39'45".77	121°53'57".84	
99	45°40'15".00	121°54'02".00	
100	45°41'36".80	121°51'57".00	
101	45°42'24".75	121°48'36".00	
102	45°41'39".00	121°44'02".00	
103	45°41'42".00	121°42'22".00	
104	45°42'19".00	121°40'02".00	
105	45°42'17".50	121°37'48".50	
106	45°43'36".00	121°31'54".30	
107	45°43'15".275	121°29'52".445	
108	45°43'07".02	121°29'36".615	a point on the center line of the Hood River Bridge at the center of the draw span of said bridge
109	45°43'04".075	121°29'30".96	
110	45°42'05".20	121°27'41".80	
111	45°41'39".25	121°25'22".00	
112	45°41'35".00	121°24'02".00	
113	45°42'11".50	121°22'17".00	
114	45°42'18".00	121°20'11".50	
115	45°42'00".00	121°18'40".00	
116	45°41'13".30	121°17'10".00	
117	45°40'40".50	121°14'52".00	
118	45°40'17".00	121°12'52".50	
119	45°39'00".00	121°11'57".00	
120	45°37'47".00	121°11'38".40	
121	45°37'00".25	121°11'43".00	
122	45°36'23".80	121°10'57".00	
123	45°36'22".50	121°10'00".00	
124	45°36'29".175	121°08'39".84	
125	45°36'40".89	121°08'22".135	a point on the center line of the Dalles Bridge across the Co-

Point Number	North Latitude	West Longitude	Description of Location
			lumbia River at the center of the main span of said bridge
126	45°36'43".94	121°08'17".53	
127	45°36'35".69	121°07'50".34	
128	45°36'58".44	121°07'16".41	
129	45°37'06".095	121°06'57".58	
130	45°37'14".85	121°07'02".75	a point on the axis of the Dalles Dam at Station 48+79 of the center line survey of said dam
131	45°37'23".97	121°07'08".14	
132	45°38'53".13	121°05'01".25	
133	45°39'09".54	121°03'47".80	
134	45°39'04".04	121°01'57".51	
135	45°39'12".08	121°00'22".28	
136	45°38'54".66	120°58'56".33	
137	45°38'55".91	120°58'49".52	a point on the center line of the Oregon Trunk Railroad Bridge and in the center of the 4th pier from the north end of said bridge
138	45°38'58".405	120°58'35".90	
139	45°39'24".84	120°57'06".97	
140	45°39'23".58	120°56'34".22	
141	45°38'24".54	120°54'44".75	
142	45°38'35".09	120°53'40".72	
143	45°40'18".79	120°51'15".26	
144	45°41'11".69	120°47'14".64	
145	45°42'19".71	120°43'38".83	
146	45°42'42".58	120°42'10".70	
147	45°42'57".18	120°41'18".11	
148	45°43'48".14	120°40'05".19	
149	45°44'45".12	120°38'01".97	
150	45°44'47".00	120°37'17".91	
151	45°44'47".99	120°35'23".91	
152	45°44'18".49	120°33'29".23	
153	45°42'37".59	120°31'17".65	
154	45°42'00".37	120°30'16".48	
155	45°41'40".42	120°28'53".22	

Point Number	North Latitude	West Longitude	Description of Location
156	45°41'58".55	120°24'08".96	
157	45°42'41".66	120°19'30".62	
158	45°43'16".74	120°16'56".18	
159	45°43'33".84	120°12'34".62	
160	45°45'43".67	120°10'10".01	
161	45°46'24".09	120°08'25".17	
162	45°47'07".10	120°04'08".70	
163	45°48'26".17	120°00'49".27	
164	45°49'28".29	119°57'52".64	
165	45°49'41".97	119°54'21".95	
166	45°50'25".18	119°50'53".51	
167	45°50'52".00	119°48'05".62	
168	45°50'45".15	119°46'18".16	
169	45°51'25".40	119°40'07".80	
170	45°54'20".70	119°37'20".96	
171	45°55'10".82	119°35'58".28	
172	45°55'32".25	119°34'13".67	
173	45°54'31".37	119°31'24".18	
174	45°54'23".43	119°29'13".01	
175	45°55'03".10	119°26'57".35	
176	45°55'18".10	119°21'48".12	
177	45°55'51".37	119°19'52".71	
178	45°55'54".48	119°19'39".28	a point on the center line of the Umatilla Bridge at the center of the north main span of said bridge
179	45°55'59".59	119°19'17".20	
180	45°56'10".26	119°17'47".60	a point on the axis of McNary Dam at the north face of the south non overflow section
181	45°56'15".24	119°17'05".76	
182	45°56'24".05	119°15'21".40	
183	45°55'58".60	119°13'28".22	
184	45°55'40".97	119°11'39".82	
185	45°55'40".26	119°10'05".04	
186	45°55'58".55	119°07'30".72	
187	45°56'34".25	119°05'32".00	
188	45°57'31".28	119°03'37".36	
189	45°58'09".33	119°01'33".95	
190	45°58'45".73	119°00'27".12	
191	46°00'00".00	118°59'10".12	

ARTICLE III. RATIFICATION AND EFFECTIVE DATE

This compact shall become operative when it has been ratified by the legislatures of the states of Oregon and Washington and approved by the Congress of the United States and the Constitutions of the states of Oregon and Washington have been amended to authorize the establishment of the boundary as herein provided.

43.58.070 ————**Transfer of records, etc., to division of archives.** Upon ratification by the state of Oregon and approval by the Congress of the United States of the compact set forth in RCW 43.58.060, the secretary of the Washington-Oregon boundary commission is hereby directed to transmit all records, work sheets, maps, minutes and other papers of said commission to the division of archives of the department of general administration.

43.58.090 ————**Repeal of RCW 43.58.010 through 43.58.040, when.** Chapter 27, Laws of 1937, as amended by chapter 6, Laws of 1955 extraordinary session and chapter 43.58 RCW [RCW 43.58.010 through 43.58.040] each shall be repealed when the compact set forth in RCW 43.58.060 has been ratified by the state of Oregon and approved by the Congress of the United States.

Chapter 43.60

SAFETY COUNCIL

43.60.010 Safety council established. The Washington state safety council, hereinafter referred to as the council, is hereby assigned to the Washington state patrol for purposes of administration and supervision.

43.60.020 Functions of council. The council shall study ways and means for prevention of accidents on the streets and highways, in homes, on the farms, at schools, in industrial and commercial plants, and in public places; shall plan and execute **safety programs**, including educational campaigns, designed to reduce accidents in every field of activity; shall work in cooperation with all official and unofficial organizations and instrumentalities within the state which are interested in safety to the end that all possible resources shall be marshalled and utilized to reduce the menace of accidental death and injury; shall work toward obtaining better observance and enforcement of laws governing street and highway traffic, and shall assist in bringing about, wherever feasible, the application of further modern engineering measures for the control and facility of street and highway traffic movement and for the prevention of

traffic accidents; shall advise with the state departments having responsibilities for safeguarding the people against accidents, and especially with the director of highways, the chief of the state patrol, the chairman of the utilities and transportation commission, the director of licenses, the superintendent of public instruction and the director of labor and industries in the accomplishment of the purposes as herein stated.

43.60.030 Functions—Chapter exclusive. The council shall have no authority, power or duties now vested in any department or departments of the state except as provided in this chapter.

43.60.040 Organization of council. The council shall be composed of an executive board, and advisory committee, an official coordinating committee, the staff of the council, and such divisions or additional committees as may be established by the executive board to assist in carrying out the purposes of the council.

43.60.050 Executive board—Composition. The executive board shall be composed of the director of highways, the chief of the state patrol, the director of licenses, the superintendent of public instruction, the director of labor and industries, and six members to be appointed by the governor from among citizens of the state who are not officers, officials or employees of the state or any department or unit thereof, or who are not officers, officials or employees of any city, town, county or other minor civil subdivision of the state.

43.60.060 Executive board—Appointment of members—Terms—Officers. Within thirty days after June 6, 1951, the governor shall appoint the citizen members of the executive board, two to serve for terms of two years, two to serve for terms of four years, two to serve for terms of six years; the terms to begin as of January 1, 1951. In each second year thereafter the governor shall appoint two members of the board to serve for terms of six years.

From among its citizen members the executive board shall elect a chairman and a vice chairman of the board to serve in such capacities during their respective terms of office.

43.60.070 Executive board is governing body. All final actions and decisions of the council shall be taken under the approval and authority of the executive board, which shall be the governing body of the council.

43.60.080 Bylaws—Scope. The executive board shall adopt bylaws providing for carrying out the purposes of the council including:

(1) The holding of meetings of said board and the procedures involved in relation to its functions;

(2) The holding of meetings of the advisory committee, and the procedures involved in relation to its functions;

(3) Administration of the business and financial responsibilities relating to the work of the council;

(4) Organization and control of divisions and committees needed in conducting the state-wide program of safety activities.

43.60.090 Advisory committee—Composition. The advisory committee shall be composed of the citizen members of the executive board, and sixty or more additional members, to be appointed by the governor, who are broadly representative of all sections of the state and such interests as business and industry, organized labor, the press, radio stations, advertising interests, service clubs, veterans' organizations, women's organizations, religious organizations, local official agencies, and such other groups as are concerned with prevention of accidents.

43.60.100 Advisory committee—Appointment of members—Terms—Officers. Within thirty days after June 6, 1951, the governor shall appoint the aforesaid sixty or more additional members of the advisory committee, one-third of them to serve for terms of two years, one-third for terms of four years, and one-third for terms of six years, said terms to begin on January 1, 1951. In each second year thereafter the governor shall appoint the number of members required to fill the places vacated through expiration of terms of office, such appointees to serve for terms of six years.

The chairman and the vice chairman of the executive board shall also serve as chairman and vice chairman respectively of the advisory committee.

43.60.110 Advisory committee—Functions. It shall be the function of the advisory committee to bring to bear upon proposals for solutions of the accident problem the mature judgment and recommendations of leaders representing all primary segments of public opinion and groups located in all parts of the state which are interested in preventing accidents; to assist the executive board in formulating plans and conducting safety programs which will be likely to secure public acceptance; to help support the public authorities in the administration and enforcement of laws and regulations properly designed for the protection of the people against accidents and for the convenience of street and highway traffic movements; and to utilize the influence of its respective member groups and activate the facilities within their control to promote a state-wide, coordinated program of safety.

43.60.120 Compensation of members of board, committee. Citizen members of the executive board and members of the advisory committee shall receive no compensation for their services, but necessary expenses of the citizen members of the executive board for attendance at regular or called meetings of that board shall be paid from state funds available to the council.

43.60.130 Coordinating committee—Composition. The official coordinating committee shall be composed of the governor, the director of highways, the chief of the state patrol, the director of licenses, the superintendent of public instruction, the chairman of the utilities and transportation commission and the director of labor and industries, and such other state officials as the governor may designate. The governor shall serve as chairman of this committee.

43.60.140 Coordinating committee — Functions — Meetings. It shall be the function of the official coordinating committee to advise with and assist the executive board in formulating plans and policies essential for accomplishing the purposes of the council, to make sure that official activities of state departments which touch upon or overlap each other in relation to prevention of accidents are actively coordinated, to promote further practicable means whereby state departments individually and collectively may attack the accident problems more effectively, to make available where feasible the facilities of various departments in cooperation with the executive board and the other divisions or committees of the council to help strengthen the safety program.

Meetings of the official coordinating committee shall be held according to a schedule established by the committee itself, or upon call of the chairman.

43.60.150 Managing director, director of public information—Appointment—Compensation. The office of managing director of the council and the position of director of public information of the council are hereby created. Appointment of persons to these positions shall be made by the executive board; and within the limitations of the council's budget, the compensation to be paid such employees shall be fixed by said board.

43.60.160 Managing director—Duties—Employment. Under the direction of the executive board, the managing director shall be in general charge of administration of the council's affairs. He shall act as secretary of the executive board and as secretary of the advisory committee, and shall record the minutes of meetings of those bodies. He shall be in charge of the council's staff, and shall guide and help to activate all of the council's program of safety

activities, under the plans and policies approved by the executive board.

In recognition of the fact that administration of the work of the council requires an executive who possesses specialized training and exceptional qualifications, the executive board is hereby authorized to employ as managing director whatever person, available anywhere in the United States, may be best suited for the position.

43.60.170 Control of employees—Provision of compensation. Persons employed as managing director and as director of public information, and other regular, full time members of the council's staff, shall be under the direct control of the executive board and their compensation shall be provided out of such funds as are available for the work of the council.

43.60.180 Cooperation of other departments. Directors of the several departments of the state government shall cooperate with the council in carrying forward its program of safety activities, shall make available information needed by the council relating to the accident problems and methods employed or recommended for accident prevention; and at their discretion said directors may from time to time loan such personnel as may be spared from their regular duties for short periods, to assist in the safety program.

43.60.190 Annual report. On or before the fifteenth day of December in each year the executive board shall submit to the legislature and to the governor a report showing the status of the council's organization, its activities during the past year, and the accomplishments in the state toward reductions in accidents of all types, together with a plan for the council's proposed safety program during the ensuing year. This report shall be printed by the state printing office, and a minimum number of copies shall be made available for public information.

43.60.200 Budget. On or before the first day of December in each even-numbered year the executive board shall submit to the governor an itemized budget of its proposed expenditures during the ensuing biennium.

43.60.210 Funds—Control—Disbursements. All funds appropriated by the state for the support of the council shall be under the direct jurisdiction of the executive board, and all expenditures of said funds shall be covered by vouchers prepared in the council's headquarters, signed by the managing director, countersigned by the chairman or the vice chairman of said board, and submitted to the state treasurer for payment.

43.60.220 Contributed funds. Contributions may be received by the executive board from business firms, organized groups or individuals for financing special safety projects. Expenditures from any such contributed funds shall be under direct control of said board.

Chapter 43.61

VETERANS' REHABILITATION COUNCIL

43.61.010 Council created—Composition—Compensation of members. There is hereby created a "veterans' rehabilitation council" which shall consist of one member from each veterans' organization now or hereafter chartered by act of congress, and one other member, all appointed by the governor in the manner following.

The American Legion, Disabled American Veterans, United Spanish War Veterans, Veterans of Foreign Wars, and any veterans' organization hereafter chartered by act of congress and authorized to represent claims before the veterans' administration shall each submit to the governor a panel of three names selected by the commanders and approved by the executive committee or board of directors, respectively, of each nationally chartered veterans' organization. The governor shall appoint one member from each panel so submitted. Members shall serve for terms of three years expiring on the fifteenth day of January: *Provided*, That of the members first appointed two shall be appointed for a term of one year, one shall be appointed for a term of two years and one shall be appointed for a term of three years. One additional member shall be appointed by and serve at the pleasure of the governor and shall not be a veteran.

The members shall receive no compensation but shall receive their actual necessary traveling and other expenses in going to, attending, and returning from meetings of the council: *Provided*, That the per diem expense of each board member shall not exceed fifteen dollars per day and the travel expense shall not exceed five cents per mile from his domicile to and from the place of the official meetings.

43.61.020 Chairman—Director, salary — Offices — Quorum. The council shall select one of its number as chairman. The council shall employ a director, who shall serve as executive officer of the council and who shall receive such salary as shall be fixed by the governor in accordance with the provisions of RCW 43.03.040, and shall employ such additional persons as may be necessary to carry out the provisions of this chapter. The council shall maintain an office at the state capital but shall have power to meet at such other places

as it may provide by resolution from time to time. A majority of the members shall constitute a quorum.

43.61.030 Powers of council. The council is hereby empowered to approve expenditures by veterans' organizations represented upon the council, and to reimburse such organizations therefor. All sums paid to veterans' organizations shall be used by the organizations in the maintenance of a rehabilitation service and to assist veterans in the prosecution of their claims and the solution of their problems arising out of military service. Such service and assistance shall be rendered all veterans and their dependents and also all beneficiaries of any military claim, and shall include but not be limited to those services now rendered by the service departments of the respective council member organizations. The council may also establish a field and contact service wherever and to whatever extent such service may in its judgment be necessary.

43.61.040 Rules and regulations—Annual report. The council shall make such rules and regulations as may be necessary to carry out the purposes of this chapter and administer the affairs of the council. It shall furnish information, advice, and assistance to veterans and coordinate all programs and services in the field of veterans' claims service, education, health, vocational guidance and placement, and welfare not provided by some other agency of the state or by the federal government. The council shall render to the governor before the fifteenth day of January each year, a complete report of its activities for the preceding year.

43.61.050 Veterans' fund created. There is created in the state treasury a fund to be known as the veterans' rehabilitation council account and no money shall be withdrawn therefrom except by warrant of the state treasurer for claims approved by the council and filed on proper forms.

43.61.060 Donations may be accepted. The council may receive gifts, donations, and grants from any person or agency and all such gifts, donations, and grants shall be placed in the veterans' rehabilitation council account and used in accordance with the donors' instructions.

43.61.070 Payments to veterans' organizations. Payments to any veterans' organization shall first be approved by the council and insofar as possible shall be made on an equitable basis for work done.

Chapter 43.62**CENSUS BOARD**

43.62.010 Board created — Composition — Expenses. There is hereby created a state census board hereinafter referred to as the board, which shall consist of three members, one of whom shall be a member of the faculty of the University of Washington, appointed by the president thereof; one a member of the faculty of Washington State University, appointed by the president thereof, and one member appointed by the governor, all of whom serve at the pleasure of the appointing authority. If a member of said board declines to act, resigns, or is unable to act, his successor shall be named as in the original case. The board shall elect a chairman and shall purchase such equipment and supplies and shall employ such assistance and clerical help as is necessary in the performance of its duties. Each member of the board and any assistants or employees of the board when authorized to make expenditures in behalf of the board shall be reimbursed for necessary traveling and other expenses. In addition, the per diem for each member of the board shall be twenty-five dollars for attendance at board meetings, which shall not exceed three meetings per year. If the state or any of its political subdivisions, or other agencies, use the services of the board, the state, its political subdivision, or other agencies utilizing such services shall pay for the cost of rendering such services. Per diem and expenditures herein authorized shall be approved by the chairman or the executive secretary of the board, and shall be paid out of funds allocated to cities and towns under RCW 82.44.150, as derived from section 5, chapter 152, Laws of 1945, and shall be paid from said fund before any allocations or payments are made to cities and towns under said act.

43.62.020 Method of allocating state funds to cities and towns prescribed. Whenever cities and towns of the state are, by law, allocated and entitled to be paid any funds or state moneys from any source, and the allocation and payment is required to be made on a population basis, notwithstanding the provisions of any other law to the contrary, all such allocations shall be made on the basis of the population of the respective cities and towns as last determined by the state census board: *Provided*, That the regular federal decennial census figures released for cities and towns shall be considered by the board in determining the population of cities and towns.

43.62.030 Determination of population—Certificate—Allocation of state funds. The board shall, as of April 1, 1957, and annually thereafter as of April 1st, determine the populations of all cities

and towns of the state; and on or before July 1st of each year, shall file with the secretary of state a certificate showing its determination as to the populations of cities and towns of the state. A copy of such certificate and of a certificate showing the determination of all population increases of cities and towns resulting from annexations that become effective prior to September 1st in any year shall be forwarded by the board to each state official or department responsible for making allocations or payments, and on and after January 1st next following the date when such certificate or certificates are filed, the population determination shown in such certificate or certificates shall be used as the basis for the allocation and payment of state funds, to cities and towns until the next January 1st following the filing of successive certificates by the board: *Provided*, That whenever any city or town becomes incorporated subsequent to the determination of such population, the populations of such cities and towns as shown in the records of incorporation filed with the secretary of state shall be used in determining the amount of allocation and payments, and the board shall so notify the proper state officials or departments, and such cities and towns shall be entitled to participate in allocations thereafter made: *Provided further*, That in case any incorporated city or town disincorporates subsequent to the filing of such certificate or certificates, the board shall promptly notify the proper state officials or departments thereof, and such cities and towns shall cease to participate in allocations thereafter made, and all credit accrued to such incorporated city or town shall be distributed to the credit of the remaining cities and towns. The secretary of state shall promptly notify the board of the incorporation of each new city and town and of the disincorporation of any cities or towns.

43.62.040 Assistance to board — Determination by board conclusive. The tax commission or any other state officer or officials of cities, towns, or counties shall upon request of the board furnish such information, aid, and assistance as may be required by the board in the performance of its duties. The action of the board in determining the population shall be final and conclusive.

43.62.050 Student enrollment forecasts — Reports to governor and legislative budget committee. The board shall develop and maintain student enrollment forecasts of Washington schools, including both public and private, elementary schools, junior high schools, high schools, colleges and universities. The board shall submit reports on such forecasts to the governor and to the legislative budget committee on or before the fifteenth day of November of each even-numbered year.

Chapter 43.74**BASIC SCIENCE LAW**

43.74.005 Definitions. Terms used in this chapter shall have the following meaning:

(1) "Basic sciences" are anatomy, physiology, chemistry, pathology, bacteriology, and hygiene.

(2) "Healing art" is any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, prevention, cure, relief, palliation, adjustment, or correction of any human disease, ailment, deformity, injury or unhealthy or abnormal physical or mental condition.

(3) "Committee" means the examining committee created herein.

(4) "Director" means the director of the department of licenses.

43.74.010 Committee created—Members. 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, 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.

43.74.015 Committee organization, powers and duties—Compensation, expenses. (1) The committee shall meet and organize as soon as practicable after appointment.

(2) It shall elect a chairman, and vice chairman from its members, and elect or appoint a secretary-treasurer, who need not be a member.

(3) It may adopt a seal.

(4) It may make such rules and regulations, not inconsistent with this chapter, as it deems expedient to carry this chapter into effect.

(5) A majority of the committee shall constitute a quorum for the transaction of business.

(6) The committee shall keep a record of all its business and proceedings.

(7) Each member shall receive ten dollars a day for each day actually engaged in conducting examinations or in the preparation of examination questions or the grading of examination papers,

together with his necessary traveling expenses, to be paid out of the general fund on vouchers approved by the director.

(8) The director may provide reasonable compensation together with necessary traveling expenses for the secretary-treasurer of the committee if he is not a member thereof, to be paid out of the general fund on vouchers approved by the director.

43.74.020 Duties of committee—Examinations. The committee shall conduct examinations in the basic sciences at least twice in each year at such times and places as the committee and director may determine: *Provided*, That bacteriology shall not be included as a subject in any examination conducted prior to July 1, 1956.

If the committee and director deem it more advantageous to the committee and the applicants for licenses, the committee may prepare and transmit to the director the examination questions agreed upon by the committee, and the director may conduct the examination, and thereafter forthwith transmit the examination papers identified by number only and not by the name of the person examined, to the committee, which shall thereupon examine and grade the same, and transmit the grades to the director within ten days after the examination.

43.74.025 Qualifications for examination and certificate. (1) No person shall be eligible for examination for a basic science certificate until he has furnished satisfactory evidence to the director that:

(a) He is a person of good moral character; and,

(b) He is a graduate of an accredited high school or possesses the educational qualifications equivalent to those required for graduation by an accredited high school, as determined by the director.

(2) No person shall receive a basic science certificate until he has passed the examination required by this chapter.

43.74.030 Scope of examinations. Examinations shall be written, and shall be of such a nature as to constitute an adequate test whether the person examined has knowledge of the elementary principles of the basic sciences as taught at the University of Washington or Washington State University, in one year's instruction of thirty-six weeks, or as taught in one year's instruction of thirty-six weeks at any college or university accredited by the University of Washington, or the equivalent thereof.

43.74.035 Waiver of examination—Reciprocity—Fees. (1) The director shall waive the examination in the basic sciences when satisfactory proof is submitted to him showing that:

(a) The applicant has passed an examination in the basic sciences before examiners in basic sciences in those states which have a basic science act.

(b) The requirements of that state at the time of such examination are at least equal in all respects to those required by this chapter for the issuance of a basic science certificate.

(c) Like exemption from examination in the basic sciences is granted by such state to persons granted certificates by the committee created by this chapter.

(d) The application for such certificate is accompanied by a fee of twenty-five dollars.

(2) The fee for endorsement of a certificate to another state shall be five dollars.

(3) In case an applicant comes from a state which does not examine in all the basic sciences required by this chapter, the director shall waive the examination in the basic sciences in which the other state does examine, if all other requirements at the time of the examination for issuing a basic science certificate in the other state are equal to those required by this chapter. In such a case the applicant shall be examined only in the basic sciences needed for him to fully meet the requirements of this chapter for the issuance of a basic science certificate.

43.74.040 Application to practice. Any person desiring to apply to the director for a license to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, chiropody, 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.

43.74.050 Issuance of certificate for license. If an applicant for examination passes with an average of not less than seventy-five percent, and a grade in each of said subjects of not less than seventy percent, the committee shall issue to the applicant a certificate

signed by its members giving the grades in each subject, which certificate shall be filed by the applicant with the state treasurer, together with his application for the particular license or certificate sought and the fee required by law to accompany such application.

43.74.060 Further examination—Subjects may be limited. In any case where existing law requires an examination in any one or more of the branches of anatomy, physiology, chemistry, pathology, bacteriology, or hygiene, as a prerequisite to the issuance of the license applied for, the director of licenses may dispense with a second examination in any or all of such five branches in which an applicant has passed in a preliminary examination with a grade of not less than seventy-five percent.

43.74.065 Revocation of certificate or license—Appeal—Penalty. (1) The director may revoke any certificate granted under this chapter on mistake of material fact, or by reason of fraudulent misrepresentation of fact, or when the holder is convicted of a felony: *Provided, however,* That any party shall have the right of appeal to the superior court of Thurston county from the decision of the director.

(2) The director may revoke any license to practice any of the healing arts enumerated in RCW 43.74.010 if such licensee is found to be practicing without a basic science certificate. Any person who stays on in a hospital beyond the authorized training period of internship, residency and fellowship as then provided by the examining committee or board of his branch of the healing art, without having qualified in the basic sciences as required under this chapter, shall be guilty of practicing the healing art without a basic science certificate, and shall be subject to the penalties prescribed by this chapter or by law.

43.74.075 Discrimination prohibited. No person shall in any manner whatsoever discriminate against any applicant or any system or branch of the healing arts, or any member or student thereof, with relation to the subject matter of this chapter.

43.74.080 When chapter does not apply. 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, chiropody, 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.

43.74.090 Penalty. Any person who violates any provision of this chapter shall in addition to any other penalty provided, be guilty of a misdemeanor.

43.74.900 Short title. This chapter shall be known as the basic science law.

Chapter 43.76

STATE BUILDING FINANCING AUTHORITY

43.76.010 Definitions. The following terms whenever used or referred to in this chapter shall have the following meanings, except in those instances where the context clearly indicates otherwise:

(1) "Authority" shall mean the body politic and corporate created by this chapter;

(2) "Project" shall mean any structure or facility of which the authority is authorized to finance the construction, improvement or maintenance under the provisions of this chapter;

(3) "Bonds" shall mean the revenue bonds which the authority is authorized to issue pursuant to this chapter;

(4) "Construction" shall mean and include acquisition and construction, and the term "construct" shall mean and include to acquire and to construct;

(5) "Improvement" shall mean and include extension, enlargement, and repair of a project as defined herein as well as the improvement thereof;

(6) "Cost of a project" shall include, but shall not be limited to, the cost of all real estate, properties, property rights, easements, the cost of construction of buildings and the furnishing and equipment thereof, all financing charges, interest prior to and during construction, engineering, architects' and legal expenses, including the cost of plans, specifications and surveys, estimates of costs and revenues, and such other expenses as are necessary or incident to the financing herein authorized.

43.76.020 State building financing authority—Compensation—Expenses. There is hereby created a body corporate and politic to be known as the state building financing authority consisting of three members as follows: The governor or his representative, the state treasurer, and director of general administration. Said members of the authority holding public office and compensated by the state of Washington shall be entitled to no compensation for their services as members but shall be entitled to reimbursement for all

necessary expenses incurred in connection with the performance of their duties as such members. A member of the authority not otherwise receiving compensation from the state of Washington shall receive in addition to reimbursement for his actual necessary expenses a per diem of twenty-five dollars per day for each day in which he performs duties for the authority, such per diem not to exceed four thousand dollars in any one calendar year.

43.76.030 ————Exercise of power—Organization—Officers—Quorum—Powers and duties—Employees. The powers of the authority shall be exercised by a governing body consisting of the members of the authority acting as a board. Within ninety days after April 4, 1955, the board shall meet and organize. The governor of the state of Washington or his representative shall be the chairman, and the treasurer of the state of Washington shall be treasurer of the authority. The director of general administration shall be the secretary of the authority.

Two members shall constitute a quorum of the board and all action shall only be taken by vote of a majority of the members of the authority, unless in any case the rules and regulations promulgated by the authority shall require a larger number. The board shall have full authority to manage the properties and business of the authority and to prescribe, amend and repeal rules and regulations governing the manner in which the business of the authority may be conducted and the powers granted to it exercised. The board shall fix and determine the number of officers, agents and employees of the authority and their respective compensation and duties, and may delegate to one or more of their number, or to one or more of said officers, agents or employees, such powers and duties as it may deem proper.

43.76.040 Purposes of authority. The authority is created for the purpose of financing the construction, reconstruction, rehabilitation, enlargement, improvement, maintenance, furnishing, equipping and holding for lease or sublease the following:

(1) Buildings and facilities necessary or useful for institutions of higher learning of the state of Washington;

(2) Buildings and facilities necessary or useful for the various agencies and departments of the state of Washington: *Provided*, That the authority shall finance and enter into contracts of lease for projects for institutions of higher learning and agencies and departments of the state of Washington only when such projects are specifically authorized by the legislature and only insofar as it may do so within the limits of its financial ceiling under the terms of this chapter.

43.76.050 Rights and powers. The authority is hereby granted and may exercise all the powers necessary or convenient for the carrying out of the purposes of this chapter, including but without limiting the generality of the foregoing, the following rights and powers:

(1) To sue and be sued, implead and be impleaded, complain and defend, in all courts;

(2) To adopt, use and alter at will a seal;

(3) To acquire, purchase, hold, lease as lessee, and use any property real, personal or mixed, tangible or intangible, or any interest therein, necessary or desirable, for carrying out the purposes of this chapter, and to sell, lease as lessor, transfer and dispose of any property or any interest therein at any time acquired by it: *Provided, however,* That in any biennium initial contracts of lease shall be entered with institutions of higher learning and agencies and departments of government of the state for only such new buildings as have been specifically authorized by the legislature for that biennium;

(4) To acquire by purchase, lease or otherwise, projects as defined herein;

(5) To make such rules and regulations, not inconsistent with this chapter, as it deems necessary for its proper management and functioning and the carrying on of its affairs;

(6) To appoint officers, agents, and employees, to prescribe their duties, and to fix their compensation;

(7) To fix, alter, charge and collect rentals and other charges for its services and for the use of the projects, buildings, or facilities of the authority;

(8) To borrow money for the purpose of paying the cost of any project, or of paying warrants, bonds, and other evidences of indebtedness or obligations of the authority, and secure the payment of such bonds, or any part thereof, by pledge of any or all of its revenues, rentals and receipts;

(9) To make such agreements, not inconsistent with the laws of the state of Washington, with the purchasers or holders of such bonds, or with others in connection with any such bonds, whether issued or to be issued, as the authority shall deem advisable, and to provide for the security of said bonds and the rights of the holders thereof: *Provided, however,* That at no time shall the authority issue and have outstanding more than fifty million dollars in bonds except that there may be temporarily more than fifty million dollars in its bonds outstanding if the amount in excess of fifty million dollars is to be used for the refunding of some or all of the bonds of the authority;

(10) To make contracts of every kind and nature and to execute all instruments necessary or convenient for the carrying on of its business and the performance of its duties;

(11) Without limitation of the foregoing, to borrow money and accept grants from, and to enter into contracts, leases or other transactions with the United States government or any federal or state agency or instrumentality, and to accept grants from any other public or private corporation, association or person;

(12) To do all things proper or necessary to entitle and qualify the authority and the state to accept, borrow or otherwise obtain the use of funds of the federal government and any agency or instrumentality thereof which may be available for furthering the purposes of this chapter;

(13) To pledge or otherwise encumber all or any of the revenues or receipts of the authority as security for all, or any, of the obligations of the authority;

(14) To do all acts and things necessary or convenient to carry out the powers granted by this chapter or any other act.

43.76.060 Credit or taxing power not to be pledged—Obligations are not general. The authority shall have no power, at any time or in any manner, to pledge the credit or taxing power of the state of Washington, or any of its institutions of higher learning, agencies, departments or instrumentalities, nor shall any of its obligations or debts be deemed to be general obligations of the state of Washington or any of its institutions of higher learning, agencies, departments or instrumentalities, nor shall the state of Washington or any of its institutions of higher learning, agencies, departments or instrumentalities, be liable for the payment of principal or interest on the bonds or other indebtedness of the authority.

43.76.070 Charges—Purposes. Charges levied by the authority shall be for the purpose of providing for the payment of the expenses of the authority, the financing of construction, improvement, equipping, furnishing and maintenance of projects, as above set forth, the payment of the principal of, and interest on, its bonds and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such bonds.

43.76.080 Contracts between state instrumentalities and authority to sell or lease—Purchase of authority's interest. Any institution of higher learning of the state of Washington by and through its board of regents, and any agency or department of government of the state of Washington, by and through the appropriate division of the department of institutions, shall have power and authority to enter into contracts with the authority to sell or lease as lessor to the authority any land or building and lease as lessee from the

authority any land or building, and the furnishings and equipment thereof, leased, owned or otherwise possessed by the authority, for a term not exceeding thirty years, at such rental or rentals as may be determined by the authority. Such contract to lease may be entered into prior to any construction on any land leased, owned or otherwise possessed by the authority.

Any institution of higher learning, or agency or department of government of the state of Washington may, at any time that sufficient funds are available, negotiate with and purchase from the authority its interest in any structure, equipment, facility or other property owned or otherwise possessed by the authority.

43.76.090 Disposition of funds obtained from lessees. The treasurer of the state of Washington shall transfer to the fund of the authority the amount of rental payments or other charges due and owing to it by any of its lessees from any funds held in the treasury of the state of Washington for said lessee and not otherwise restricted in its use by statute or the Constitution of the state of Washington: *Provided, however,* That the authority shall furnish such evidence as the state treasurer shall require that the lessee has consented in its lease with lessor that any such funds may be so transferred by the state treasurer.

43.76.100 Bonds—Form, term, etc.—Resolution authorizing issue, contents—Security—Negotiability. (1) The bonds of the authority hereinabove referred to and authorized to be issued, shall be authorized by resolution of the authority and shall be of such series, bear such date or dates, mature at such time or times, not exceeding thirty years from their respective dates, bear interest at such rate or rates not exceeding four percent per annum, be in such denominations, be in such form, either coupon or fully registered without coupons, carry such registration, exchangeability and interchangeability privileges, be payable at such place or places, be subject to such terms of redemption, and be entitled to such priorities in the revenues, rentals or receipts of the authority as such resolution or resolutions may provide. The bonds shall bear the facsimile signature of the chairman of the authority, together with a facsimile of the seal, and the manual signature of the secretary in attestation thereof, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the chairman and secretary of the authority, all as may be prescribed in such resolution or resolutions. Any such bonds may be issued and delivered notwithstanding that any of the aforesaid persons signing such bonds or whose facsimile signature shall be upon the bonds or coupons shall have ceased to hold their respective offices at the time when such bonds shall actually be delivered.

(2) Any resolution or resolutions authorizing any bonds shall contain provisions which shall be part of the contract with the holders thereof as to (a) pledging the full faith and credit of the authority, but not of the state of Washington nor any institution of higher learning, agency, department or instrumentality of the state of Washington, nor any county or other political subdivision thereof, for such bonds or restricting the same to all or any of the revenues, rentals or receipts of the authority from all or any projects or properties;

(b) the financing of the construction, improvement, extension, enlargement, maintenance and repair, of any project or projects and the duties of the authority with reference thereto;

(c) the terms and provisions of the bonds;

(d) limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or of any loan or grant by the United States or the state of Washington may be applied;

(e) the rate of rentals and other charges for use of the projects, buildings or facilities of, or for the services rendered by, the authority including limitations upon the power of the authority to modify any leases or other agreements pursuant to which any rentals or other charges are payable;

(f) the setting aside of reserves or sinking funds and the regulation and disposition thereof;

(g) limitations on the issuance of additional bonds;

(h) the terms and provisions of any deed or trust or indenture securing the bonds, or under which the same may be issued, and

(i) any other additional agreements with the holders of the bonds.

(3) The authority may enter into any deeds of trust, indentures or other agreements with any bank or trust company, or other person or persons in the United States having power to enter into the same, including the state or federal government or any agency thereof, as security for such bonds, and may assign and pledge all or any of the revenues, rentals or receipts of the authority thereunder. Such deed of trust, indenture or other agreement may contain such provisions as may be customary in such instruments, or as the authority may authorize, including but without limitation, provisions as to (a) the financing of the construction, improvement, maintenance and repair of any project or projects, and the duties of the authority with reference thereto, (b) the application of funds and the safeguarding of funds on hand or on deposit, (c) the rights and remedies of said trustee and the holders of the bonds, which may include restrictions upon the individual right of action of such bondholders, and (d) the terms and provisions of the bonds, or the resolutions authorizing the issuance of the same.

(4) All bonds issued by the authority shall be negotiable instruments.

43.76.110 Refunding bonds. The authority is hereby authorized to provide by resolution for the issuance of refunding bonds for the purpose of refunding any bonds of the authority issued under the provisions of this chapter and then outstanding, either by voluntary exchange with the holders of such outstanding bonds at par or by providing funds to redeem and retire such outstanding bonds. The issuance of such refunding bonds, the maturities and other details thereof, the rights of the holders thereof, and the duties of the authority in respect to the same, shall be governed by the foregoing provisions of this chapter insofar as the same may be applicable. Bonds may be issued by the authority to refund bonds originally issued or to refund bonds of the authority previously issued for refunding purposes. Bonds may be sold in a single series both for refunding outstanding bonds and to provide funds for financing further construction by the authority.

43.76.120 Bonds—Powers and duties of state finance committee—Sale. Prior to issuing any bonds as provided for herein, the governing board of the authority shall confer with the state finance committee in order that the bonds issued shall be in such denominations, and sold in such manner and in such amounts and on such terms and conditions as the finance committee deems most desirable.

If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient and to otherwise be responsible for the details of such sale.

43.76.130 Rights and remedies of bondholders. (1) The rights and remedies herein granted to the bondholders, shall be in addition to, and not in limitation of, any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds, or by any deed of trust, indenture or other agreement under which the same may be issued. In the event that the authority shall default in the payment of, principal of, or interest on, any of the bonds after said principal or interest 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 the bonds, the holders of twenty-five percent in aggregate principal amount of the bonds then outstanding, acting in concert, by instrument or instruments filed in the office of the auditor of Thurston county, Washington, and proved or acknowledged in

the same manner as a deed to be recorded, except as such right may be limited under the provisions of any deed of trust, indenture or other agreement as aforesaid, may appoint a trustee to represent the bondholders for the purposes herein provided. Such trustee and any trustee under any deed of trust, indenture or other agreement may, and upon written request of the holders of twenty-five percent, or such other percentage as may be specified in any deed of trust, indenture or other agreement aforesaid, in principal amount of the bonds then outstanding, shall in his or its own name:

(a) By mandamus or other suit enforce all rights of the bondholders, including the right to require the authority to carry out any agreements with or for the benefit of the bondholders, and to perform its and their duties under this chapter;

(b) Bring suit upon the bonds;

(c) Require the authority to account as if it were the trustee of an express trust for the bondholders;

(d) Enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders;

(e) By notice in writing to the authority declare all bonds due and payable, and if all defaults shall be made good, then with the consent of the holders of twenty-five percent, or such other percentage as may be specified in any deed of trust, indenture or other agreement aforesaid, of the principal amount of the bonds then outstanding, annul such declaration and its consequences;

(2) Any trustee, whether appointed as aforesaid or acting under a deed of trust, indenture or other agreement, and whether or not all bonds have been declared due and payable, shall be entitled as of right to the appointment of a receiver, who may, to the same extent that the authority itself could do so, enter and take possession of the project, buildings or facilities of the authority or any parts thereof, the revenues, rentals, or receipts from which are, or may be applicable to, the payment of the bonds so in default, and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the authority might do, and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. In any suit, action or proceeding by the trustees, the fees, counsel fees and expenses of the trustee, and of the receiver, if any, and all costs and disbursements allowed by the court, shall be a first charge on any revenues and receipts derived from the projects, buildings or facilities of the authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default. Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or

incident to the general representation of the bondholders in the enforcement and protection of their rights.

(3) In addition to all other rights and all other remedies, any holder of bonds of the authority may by mandamus or other suit, action or proceeding enforce his rights against the authority, including the right to require the authority to carry out any of its covenants and agreements with the bondholders and to perform its and their duties under this chapter.

43.76.140 Deposit, use, disbursement of funds—Sinking fund. All moneys of the authority from whatever source derived shall be deposited with and held by the state treasurer as treasurer of the authority, and said moneys shall never be mingled with funds in the state treasury nor be deemed a part of the general fund of the state, but shall at all times be considered a special fund belonging to the authority. The moneys in said accounts shall be paid out pursuant to warrant or other order of the treasurer of the authority, or of such other person or persons as may be authorized by the authority to execute such warrants or orders. All moneys of the authority exclusive of that received from the sale of bonds from whatever source derived, except such part thereof as may be required to pay the administrative and other costs of operating the authority as may be provided for in the resolutions authorizing the issuance of the various series of bonds or in the various trust indentures, shall be set aside at such regular intervals as may be provided in such resolutions or trust indentures in a sinking fund, which fund shall be pledged to, and charged with, the payment of (1) the interest upon such bonds as it becomes due, (2) the principal of the bonds as same become due, (3) the necessary fiscal agency charges for paying principal and interest, (4) any premium upon bonds retired by call or purchase, as herein provided, and (5) any expenditures necessary or proper for issuance of additional series of revenue bonds, or necessary to the enforcement of the remedies of the bondholders as provided herein. The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolutions authorizing the issuance of bonds or in the trust indentures, but except as may otherwise be provided in such resolutions or trust indentures, such sinking fund shall be a fund for the benefit of all bonds issued hereunder, without distinction or priority of one over another. Subject to the provisions of the resolutions authorizing the issuance of bonds or of the trust indentures, any moneys in such sinking fund in excess of an amount equal to the average annual requirements for interest and retirement on all bonds outstanding may be applied; (a) to the purchase or redemption of bonds; and/or (b) toward the payment of the cost of one or more projects as defined in RCW 43.76.010(6).

43.76.150 Bonds are legal investment and security. The bonds herein authorized shall be a legal investment for all state funds not otherwise restricted by the Constitution of the state of Washington or for funds under state control not otherwise restricted, and for all funds of municipal corporations and shall be legal security for all state, county and municipal deposits and shall constitute legal investments for all banks, savings and loan associations and insurance companies doing business in this state.

43.76.160 Legislature may provide additional means for payment of bonds. The legislature may by direct appropriation or by allocating other sources of revenue, provide additional means for the payment of the bonds authorized herein, or for the payment of the cost of a project or projects as defined in RCW 43.76.010(6), and this chapter shall not be deemed the exclusive method for such payment, but this section shall be permissive only and not mandatory, and the power granted herein shall not constitute a pledge of the faith and credit of the state nor of any of its institutions of higher learning, agencies, departments or instrumentalities.

43.76.170 Projects and business of authority subject to its rules. The use of the projects of the authority and the operation of its business shall be subject to the rules and regulations from time to time adopted by the authority and not inconsistent with the laws of the state of Washington.

43.76.180 Pledges of state to bondholders and federal government. The state of Washington does hereby pledge to, and agree with, any person, firm or corporation or federal agency subscribing to, or acquiring, the bonds to be issued by the authority for the financing of the construction, extension, improvement, or enlargement of any project, or part thereof, or for refunding purposes, that the state of Washington will not limit or restrict any provisions for the security and protection of the authority and its bondholders contained in this chapter until all bonds at any time issued, together with the interest thereon are fully paid and discharged. The state of Washington does further pledge to and agree with the United States and any federal agency that, in the event that any federal agency shall construct or contribute any funds for the financing of construction, extension, improvement or enlargement of any project or any portion thereof, the state of Washington will not restrict or limit the rights and powers of the authority in any manner which would be inconsistent with the continued maintenance and operation of the project, or the improvement thereof, or which would be inconsistent with the due performance of any agreements between the authority and any such federal agency, and the authority shall continue to have and may exercise

all powers herein granted so long as the same shall be necessary or desirable for the carrying out of the purposes of this chapter and the purposes of the United States in financing the construction, improvement or enlargement of any project or portion thereof.

43.76.190 Accounting of records and accounts—Post audit. The state building authority records and accounts shall be kept in accordance with the uniform system of accounting prescribed by the state auditor and shall be subject to post audit by the state auditor at least once each year.

43.76.500 Certain projects authorized. The state building financing authority is authorized to finance and contract for the construction of the following projects in accordance with the provisions of this chapter:

At the University of Washington:	
Medical Teaching Hospital.....	\$2,500,000.00
Museum	400,000.00
At the State College of Washington:	
Plant Sciences Building.....	2,914,500.00
Veterinarian Clinic	1,145,000.00
Poultry Building	297,100.00
Dairy Building	275,000.00
At the Central Washington College of Education:	
Physical Education Building.....	1,020,000.00
<i>Provided</i> , That none of this appropriation shall be expended for permanent spectator seating:	
<i>Provided further</i> , That the foregoing shall not be construed as prohibiting the acceptance of gifts or donations for such purposes.	
At the Eastern Washington College of Education:	
Elementary Laboratory School.....	280,000.00
Alteration of present laboratory school into science classrooms and laboratories	200,000.00
Classroom facilities for R.O.T.C.	80,000.00
At the Western Washington College of Education:	
Science Building	1,078,000.00
At the State School for the Deaf:	
New Vocational Building.....	300,000.00
At Eastern State Hospital:	
Occupational Therapy and Security Building.....	150,000.00
At the State School for Girls:	
Two cottages	170,000.00
Security Cottage	50,000.00
At the Northern State Hospital:	
Supplementary Commissary	65,000.00

Gymnasium, Recreation and Women's Occupational Therapy	190,000.00
At the Washington State Penitentiary:	
Maximum Security and Reception Cell Block.....	805,500.00
At the Western State Hospital:	
Children's Unit	500,000.00

The cost of each of the aforesaid projects, as defined in RCW 43.76.010(6) shall not exceed the amounts set forth above.

43.76.510 Authority to select sites for institutions—Mentally deficient persons—Rehabilitation of persons between sixteen and twenty-three. The state building financing authority, giving full consideration to existing available or unoccupied public facilities and to possible donations of property, may select two sites, which will best serve the interests of the state for the purposes herein enumerated:

(1) A site to be used for the eventual construction thereon of a new institution for the care, custody and training of mentally deficient persons;

(2) A site to be used for the eventual construction thereon of a correctional institution of an intermediate type for the custody and rehabilitation of such persons between the ages of sixteen and twenty-three as are committed thereto by court order, or transferred thereto by the executive officer of the department of public institutions by authority of statute.

43.76.520 ————Cost of sites limited. The cost of acquisition of each of the sites provided for in RCW 43.76.510 shall not exceed fifty thousand dollars.

43.76.900 Short title. This act (1955 1st ex.s. c 12) shall be known and may be cited as the "state building financing authority act."

43.76.910 Chapter additional method—Construction. This chapter shall be deemed to provide an additional and alternative method for the doing of the things authorized herein and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing. This chapter being necessary for the welfare of the state of Washington and its inhabitants shall be liberally construed to effect the purposes thereof. Any section or provision of this chapter which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy federal laws entitling this state to receive federal funds, or otherwise participate in programs of the federal government or any of its agencies or instrumentalities furthering the purposes of this chapter.

43.76.920 Appropriation—Repayment to general fund. The sum of ninety thousand dollars, or so much thereof as may be necessary, is hereby appropriated to the authority for the payment of costs and expenses incurred in commencing the work herein authorized. Any part of this appropriation used by the authority shall be repaid to the general fund of the state at such time as sufficient revenue bonds of the authority have been sold and the funds deposited with the treasurer of the authority.

43.76.930 Severability. If any part of this act (1955 1st ex.s. c 12) shall be held unconstitutional, such invalidity shall not affect any other part. It is hereby declared that had any section, paragraph, sentence, clause, phrase or word as to which this act (1955 1st ex.s. c 12) is declared invalid been eliminated from the act (1955 1st ex.s. c 12) at the time the same was considered the act (1955 1st ex.s. c 12) would have nevertheless been enacted with such portions eliminated.

Chapter 43.77

PRINTING AND DUPLICATING COMMITTEE

43.77.010 Composition of committee. The state printer, the director of budget, and the director of general administration shall constitute the state printing and duplicating committee.

43.77.020 Powers and duties. 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 or duplicating equipment, other than typewriters, direct copy or mimeograph machines, by any official or agency of the state.

43.77.030 Unauthorized acquisition of printing or duplicating equipment prohibited—Exceptions. Hereafter no state official or agency of the state shall acquire by purchase or otherwise any printing or duplicating equipment, other than typewriters, direct copy or mimeograph machines, unless authorized by the state printing and duplicating committee to so acquire.

43.77.040 Meetings. The state printing and duplicating committee shall meet within one month after the effective date of this chapter (June 10, 1959) and make provision for carrying out the purposes of this chapter. The committee shall thereafter meet at such places and times as it shall determine and as often as necessary to discharge the duties imposed upon it.

43.77.050 Legislative, judicial branches of government excepted. Nothing in this chapter shall apply to officials or agencies of the legislative or judicial branch of the state government.

Chapter 43.78

PUBLIC PRINTER—PUBLIC PRINTING

43.78.010 Appointment of public printer. There shall be a public printer appointed by the governor, who shall hold office at the pleasure of the governor and until his successor is appointed and qualified.

43.78.020 Bond. Before entering upon the duties of his office, the public printer shall execute to the state a bond in the sum of ten thousand dollars conditioned for the faithful and punctual performance of all duties and trusts of his office.

43.78.030 Duties—Exceptions. The public printer shall print and bind the session laws, the journals of the two houses of the legislature, all bills, resolutions, documents, and other printing and binding of either the senate or house, as the same may be ordered by the legislature; and such forms, blanks, record books, and printing and binding of every description as may be ordered by all state officers, boards, commissions, and institutions, and the supreme court and officers thereof, as the same may be ordered on requisition, from time to time, by the proper authorities: *Provided*, That this section shall not apply to the printing of the supreme court reports: *Provided further*, That where any institution or institution of higher learning of the state is or may become equipped with facilities for doing such work, it may do any printing: (1) For itself, or (2) for any other state institution when such printing is done as part of a course of study relative to the profession of printer: *And provided further*, Any printing and binding of whatever description as may be needed by any institution of higher learning, institution or agency of the state department of institutions not at Olympia, or the supreme court or any officer thereof, the estimated cost of which shall not exceed two hundred dollars, may be done by any private printing company in the general vicinity within the state of Washington so ordering, if in the judgment of the officer of said agency so ordering, the saving in time and processing justifies the award to such local private printing concern.

43.78.040 Requisitions. All printing and binding shall be done under the general superintendence of the authorities ordering it, and when completed shall be delivered to such authorities, who shall sign receipts therefor.

Before the public printer shall execute any printing or binding for any office, board, commission, or institution, the proper officer thereof shall apply therefor by requisition.

43.78.050 Itemized statement of charges. Upon delivering a printing or binding job and receiving a receipt therefor the public printer shall make out, and deliver to the requesting agency an itemized statement of charges.

43.78.070 Use of state plant—Conditions—Public printer's salary. The public printer shall use the state printing plant upon the following conditions, to wit:

(1) He shall do the public printing, and charge therefor the fees as provided by law. He may print the Washington reports for the publishers thereof under a contract approved in writing by the governor.

(2) The gross income of the public printer shall be deposited in an account designated "state printing plant revolving fund" in depositories approved by the state treasurer, and shall be disbursed by the public printer by check and only as follows:

First in payment of the actual cost of labor, material, supplies, replacements, repairs, water, light, heat, telephone, rent, and all other expenses necessary in the operation of the plant: *Provided*, That no machinery shall be purchased except on written approval of the governor;

Second, in payment of the cost of reasonable insurance upon the printing plant, payable to the state and of all fidelity bonds required by law of the public printer;

Third, in payment to the public printer of a salary which shall be fixed by the governor in accordance with the provisions of RCW 43.03.040;

Fourth, in remitting the balance to the state treasurer for the general fund: *Provided*, That a reasonable sum to be determined by the governor, the public printer, and the director of budget shall be retained in the fund for working capital for the public printer.

43.78.080 Printing specifications. All printing, ruling, binding, and other work done or supplies furnished by the state printing plant for the various state departments, commissions, institutions, boards, and officers shall be paid for on an actual cost basis as determined from a standard cost finding system to be maintained by the state printing plant. In no event shall the price charged the various state departments, commissions, institutions, boards, and officers exceed those established by the Porte Publishing Company's Franklin Printing Catalogue for similar and comparable work. All bills for printing, ruling, binding, and other work done or for

supplies furnished by the state printing plant shall be certified and sworn to by the public printer.

The public printing shall be divided into the following classes:

First class. The bills, resolutions, and other matters that may be ordered by the legislature, or either branch thereof, in bill form, shall constitute the first class, and shall be printed in such form as the legislature shall provide.

Second class. The second class shall consist of printing and binding of journals of the senate and house of representatives, and the annual and biennial reports of the several state officers, state commissions, boards, and institutions, with the exception of the reports of the attorney general and the governor's message to the legislature, which shall be printed and bound in the same style as heretofore. Said journals and reports shall be printed on what is known as machine finish book paper weighing not less than fifty pounds to the ream of 25x38 inches, and set in brier, or what is known as eight point type, with a six to pica lead between each line, and without unnecessary blanks, broken pages, or paragraphs. All communications, resolutions, reports of committees, messages, and similar documents making up a part of said journals shall be set in nonpareil or what is known as six point type, with a six to pica lead between each line. All tabular matters shall be set in nonpareil or what is known as six point type; the type matter for a page to be 4½x7½ inches, which is to include all running heads and footnotes. All reports shall be 6x9 inches when trimmed. The general style of all reports shall be the same as those printed in 1918, and the general style of the journals of the house and senate of the session of 1917 shall be followed in the printing and binding of the journals hereafter. There shall be no duplicates of reports or parts of reports printed except by permission of the governor.

Third class. The third class shall consist of all reports, communications, and all other documents that may be ordered printed in book form by the legislature or either branch thereof, and all reports, books, pamphlets, and other like matter printed in book form required by all state officers, boards, commissions, and institutions shall be printed in such form and style, and set in such size type, and printed on such grade of paper as may be desired by the state officer, board, commission, or institution ordering them, and which they think will best serve the purpose for which intended.

Fourth class. The fourth class shall consist of the session laws, and shall be printed and bound in the same style, size of page and form as the session laws published by this state heretofore, with similar margin notes; the size of type to be eleven point for the laws or body of the book and six point for the marginal notes

and index, and shall be printed on machine finish book paper weighing not less than 60 pounds to the ream of 25x38 inches: *Provided*, That laws reenacting titles to the Revised Code of Washington which have been introduced in the legislature at the request of the statute law committee shall be printed in the session laws in the same size, form and style of type that is used in the Revised Code of Washington.

Fifth class. The fifth class shall consist of the printing of all stationery blanks, record books, and circulars, and all printing and binding required by the respective state officers, boards, commissions, and institutions not covered by classes one, two, three and four.

43.78.090 Reprinting. Whenever required by law or by the legislature or by any state officer, board, commission, or institution the public printer shall keep the type used in printing any matter forming a part of the first, second, third, and fourth classes standing for a period not exceeding sixty days for use in reprinting such matter.

43.78.100 Stock to be furnished. The public printer shall furnish all paper, stock, and binding materials required in all public work, and shall charge the same to the state, as it is actually used, at the actual price at which it was purchased plus five percent for waste, insurance, storage, and handling.

43.78.110 Printer may farm out printing. Whenever in the judgment of the public printer certain printing, ruling, binding, or supplies can be secured from private sources more economically than by doing the work or preparing the supplies in the state printing plant, he may obtain such work or supplies from such private sources.

In event any work or supplies are secured on behalf of the state under this section the state printing plant shall be entitled to add five percent to the cost thereof to cover the handling of the orders which shall be added to the bills and charged to the respective authorities ordering the work or supplies.

43.78.130 Public printing for municipal corporations must be done in state—Exceptions. All printing, binding, and stationery work done for any county, city, town, port district, or school district in this state shall be done within the state, and all proposals, requests, or invitations to submit bids, prices, or contracts thereon, and all contracts for such work, shall so stipulate: *Provided*, That whenever it is established that any such work cannot be executed within the state, or that the lowest charge for which it can be procured within the state, exceeds the charge usually and customarily made to

private individuals and corporations for work of similar character and quality, or that all bids for the work or any part thereof are excessive and not reasonably competitive, the officers of any such public corporation may have the work done outside the state.

43.78.140 ————**Allowance of claims.** No bill or claim for any such work shall be allowed by any officer of a public corporation or be paid out of its funds, unless it appears that the work was executed within the state or that the execution thereof within the state could not have been procured, or procured at reasonable and competitive rates, and no action shall be maintained against such corporation or its officers upon any contract for such work unless it is alleged and proved that the work was done within the state or that the bids received therefor were unreasonable or not truly competitive.

43.78.150 ————**Contracts for out-of-state work.** 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.

43.78.160 ————**Quality and workmanship requirements.** Nothing in RCW 43.78.130, 43.78.140 and 43.78.150 shall be construed as requiring any public official to accept any such work of inferior quality or workmanship.

Chapter 43.79

STATE FUNDS

43.79.010 **General fund, how constituted.** All moneys paid into the state treasury, except moneys received from taxes levied for specific purposes, and the several permanent and irreducible funds of the state and the moneys derived therefrom, shall be paid into the general fund of the state.

43.79.020 **License fees to general fund.** Except as otherwise provided by law, all moneys received as fees for the issuance of licenses upon examination, and the renewal thereof, and paid into the state treasury, shall be credited to the general fund; and all expenses incurred in connection with the examination of applicants

for licenses, and the issuance and renewal of licenses upon examination shall be paid by warrants drawn against the general fund.

43.79.060 University permanent fund. There shall be in the state treasury a permanent and irreducible fund known as the "state university permanent fund," into which shall be paid all moneys derived from the sale of lands granted, held, or devoted to state university purposes.

43.79.071 University of Washington fund—Moneys transferred to general fund. All moneys in the state treasury to the credit of the University of Washington fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the University of Washington fund, shall be and are hereby transferred to and placed in the general fund.

43.79.072 ———Appropriations to be paid from general fund. From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the University of Washington fund shall be paid out of moneys in the general fund.

43.79.073 ———Abolished. From and after the first day of May, 1955, the University of Washington fund is abolished.

43.79.074 ———Warrants to be paid from general fund. From and after the first day of May, 1955, all warrants drawn on the University of Washington fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

43.79.075 ———Other revenue for support of university. No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the University of Washington fund, shall be used for any purpose except the support of the University of Washington.

43.79.080 University building fund. There shall be in the state treasury a fund known and designated as the "University of Washington building account" in the general fund.

43.79.090 Rentals to building fund—Use of fund. All rentals received on account of that certain lease of the former university site in the city of Seattle, known as the "old university grounds," made and entered into on the first day of February, 1907, by and between the state of Washington, lessor, and James A. Moore, lessee, and thereafter assigned by said lessee to the Metropolitan Building Company, a corporation, shall be paid into and credited to the University of Washington building account in the general fund, to be

used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings at the state university.

43.79.100 Scientific school grant to Washington State University. The one hundred thousand acres of land granted by the United States government to the state for a scientific school in section 17 of the enabling act, are assigned to the support of Washington State University.

43.79.110 Scientific permanent fund. There shall be in the state treasury a permanent and irreducible fund known as the "scientific permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for a scientific school.

43.79.120 Agricultural college grant to Washington State University. The ninety thousand acres of land granted by the United States government to the state for an agricultural college in section 16 of the enabling act are assigned to the support of Washington State University.

43.79.130 Agricultural permanent fund. There shall be in the state treasury a permanent and irreducible fund known as the "agricultural permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for an agricultural college.

43.79.140 Washington State University—Moneys paid into general fund for support of. There shall be paid into the state general fund for the support of Washington State University the following moneys:

(1)—All moneys collected from the lease or rental of lands set apart by the enabling act or otherwise for the agricultural college and school of science;

(2)—All interest or income arising from the proceeds of the sale of any of such lands;

(3)—All moneys received or collected as interest on deferred payments on contracts for the sale of such lands.

43.79.150 Normal school grant to colleges of education. The one hundred thousand acres of land granted by the United States government to the state for state normal schools in section 17 of the enabling act are assigned to the support of the state colleges of education.

43.79.160 Normal school permanent fund. There shall be in the state treasury a permanent and irreducible fund known as the "normal school permanent fund," into which shall be paid all

moneys derived from the sale of lands set apart by the enabling act or otherwise for state normal schools.

43.79.180 State colleges of education—Moneys paid into general fund for support of. There shall be paid into the state general fund for the use and support of the state colleges of education the following moneys:

(1)—All moneys collected from the lease or rental of lands set apart by the enabling act or otherwise for the state normal schools;

(2)—All interest or income arising from the proceeds of the sale of such lands;

(3)—All moneys received or collected as interest on deferred payments on contracts for the sale of such lands.

43.79.201 C.E.P. & R.I. fund—Moneys transferred to charitable, educational, penal and reformatory institutions account in general fund. All moneys in the state treasury to the credit of that fund now denoted as the C.E.P. & R.I. fund on and after March 20, 1961, and all moneys thereafter paid into the state treasury for or to the credit of such fund shall be and are hereby transferred to and placed in the charitable, educational, penal and reformatory institutions account, hereby created, in the state general fund, in which fund shall be deposited all moneys arising from the sale, lease or transfer of the land granted by the United States government to the state for charitable, educational, penal and reformatory institutions by section 17 of the enabling act, or otherwise set apart for such institutions.

43.79.202 ————Abolished—Appropriations to be paid from and warrants drawn on account in general fund. On and after March 20, 1961, the C.E.P. & R.I. fund is abolished; all appropriations made by the thirty-seventh legislature from such abolished fund shall be paid from the charitable, educational, penal and reformatory institutions account in the general fund and all warrants drawn on the C.E.P. & R.I. fund prior to March 20, 1961 and not theretofore presented for payment shall be paid from the charitable, educational, penal and reformatory institutions account in the general fund.

43.79.210 Federal cooperative extension fund. There shall be in the state treasury a fund known as the federal cooperative agricultural extension fund, and all moneys paid into the state treasury for, or to the credit of, the Smith-Lever and Capper-Ketcham funds shall be placed in the federal cooperative agricultural extension fund.

43.79.250 Contingent receipts fund. There shall be a fund in the state treasury known as the contingent receipts fund in which shall

be deposited all money received from the federal government or other sources, which has not been appropriated or allocated by the legislature, under conditions requiring expenditure for specific purposes before convening of the next session of the legislature.

43.79.260 Governor designated state's agent. The governor is designated the agent of the state to accept and receive all such funds and to deposit them in the state treasury to the credit of the contingent receipts fund and the same shall be expended therefrom by his written authorization.

43.79.270 Duty of department heads. Whenever any money, from the federal government, or from other sources, has actually been received and designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure may properly be made shall submit to the governor duplicate copies of a statement 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.

43.79.280 Duty of governor on approval. 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, and transmit one copy to the head of the department, agency, board or commission authorizing him to make the expenditure.

43.79.300 Central College fund—Moneys transferred to general fund. All moneys in the state treasury to the credit of the Central College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Central College fund, shall be and are hereby transferred to and placed in the general fund.

43.79.301 ———Appropriations to be paid from general fund. From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the Central College fund shall be paid out of moneys in the general fund.

43.79.302 ———Abolished. From and after the first day of May, 1955, the Central College fund is abolished.

43.79.303 ———Warrants to be paid from general fund. From and after the first day of May, 1955, all warrants drawn on the Central College fund and not presented for payment shall be paid

from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

43.79.304 ————**Other revenue for support of Central Washington State College.** No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Central College fund, shall be used for any purpose except the support of the Central Washington State College.

43.79.310 Eastern College fund—Moneys transferred to general fund. All moneys in the state treasury to the credit of the Eastern College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Eastern College fund, shall be and are hereby transferred to and placed in the general fund.

43.79.311 ————**Appropriations to be paid from general fund.** From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the Eastern College fund shall be paid out of moneys in the general fund.

43.79.312 ————**Abolished.** From and after the first day of May, 1955, the Eastern College fund is abolished.

43.79.313 ————**Warrants to be paid from general fund.** From and after the first day of May, 1955, all warrants drawn on the Eastern College fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

43.79.314 ————**Other revenue for support of Eastern Washington State College.** No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Eastern College fund, shall be used for any purpose except the support of the Eastern Washington State College.

43.79.320 Western College fund—Moneys transferred to general fund. All moneys in the state treasury to the credit of the Western College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Western College fund, shall be and are hereby transferred to and placed in the general fund.

43.79.321 ————**Appropriations to be paid from general fund.** From and after the first day of April, 1955, all appropriations made

by the thirty-fourth legislature from the Western College fund shall be paid out of moneys in the general fund.

43.79.322 ————**Abolished.** From and after the first day of May, 1955, the Western College fund is abolished.

43.79.323 ————**Warrants to be paid from general fund.** From and after the first day of May, 1955, all warrants drawn on the Western College fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

43.79.324 ————**Other revenue for support of Western Washington State College.** No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Western College fund, shall be used for any purpose except the support of the Western Washington State College.

43.79.330 **Miscellaneous state funds—Moneys transferred to general fund.** All moneys to the credit of the following state funds on the first day of August, 1955, and all moneys thereafter paid to the state treasurer for or to the credit of such funds, are hereby transferred to the following accounts in the state general fund, the creation of which is hereby authorized:

(1) Capitol building construction fund moneys, to the capitol building construction account;

(2) Cemetery fund moneys, to the cemetery account;

(3) Commercial feed fund moneys, to the commercial feed account;

(4) Commission merchants fund moneys, to the commission merchants account;

(5) Electrical licenses fund moneys, to the electrical licenses account;

(6) Feed and fertilizer fund moneys, to the feed and fertilizer account;

(7) Fertilizer, agricultural mineral and limes fund moneys to the fertilizer, agricultural mineral and limes account;

(8) Forest development fund moneys, to the forest development account;

(9) Harbor improvement fund moneys, to the harbor improvement account;

(10) Institutional building construction fund moneys, to the institutional building construction account;

(11) Investment reserve fund moneys, to the investment reserve account;

- (12) Lewis river hatchery fund moneys, to the Lewis river hatchery account;
- (13) Millersylvania Park current fund moneys, to the Millersylvania Park current account;
- (14) Nursery inspection fund moneys, to the nursery inspection account;
- (15) State parks and parkways fund moneys, to the state parks and parkways account;
- (16) Public school building construction fund moneys, to the public school building construction account;
- (17) Puget Sound pilotage fund moneys, to the Puget Sound pilotage account;
- (18) Real estate commission fund moneys, to the real estate commission account;
- (19) Reclamation revolving fund moneys, to the reclamation revolving account;
- (20) Seed fund moneys, to the seed account;
- (21) United States vocational education fund moneys, to the United States vocational education account;
- (22) University of Washington building fund moneys, to the University of Washington building account;
- (23) University of Washington medical and dental building and equipment fund moneys, to the University of Washington medical and dental building and equipment account;
- (24) State College of Washington building fund moneys, to the Washington State University building account;
- (25) Veterans rehabilitation council fund moneys, to the veterans rehabilitation council account; and
- (26) School emergency construction fund moneys, to the public school building construction account.

43.79.331 ————**Abolished.** From and after the first day of May, 1955, all funds from which moneys are transferred to general fund accounts pursuant to RCW 43.79.330, are abolished.

43.79.332 ————**Appropriations of 34th legislature to be paid from general fund.** From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from any of the funds abolished by RCW 43.79.331, shall be paid from the general fund from the account to which the moneys of the abolished fund have been transferred by RCW 43.79.330.

43.79.333 ————**Warrants to be paid from general fund.** From and after the first day of May, 1955, all warrants drawn on any fund abolished by RCW 43.79.331 and not theretofore presented for payment, shall be paid from the general fund from the account

to which the moneys of the abolished fund are directed by RCW 43.79.330 to be transferred.

43.79.334 ————Expenditures—Revenue from other than general fund. Expenditures from any account described in RCW 43.79.330 shall be limited to the moneys credited to the account. No revenue from any source other than the general fund, which, except for the provisions of RCW 43.79.330 through 43.79.334, would have been paid into any fund other than the general fund, shall be used for any purpose except those purposes for which such moneys were authorized prior to the enactment hereof.

43.79.335 ————State College of Washington building account —Name changed to Washington State University building account. Upon and after June 30, 1961 the account within the general fund in the state treasury known as the "State College of Washington Building Account" shall be known and referred to as the "Washington State University Building Account." This section shall not be construed as effecting any change in such fund other than the name thereof and as otherwise provided by law.

43.79.340 General obligation bond retirement fund—Moneys transferred to general fund. All moneys in the state treasury to the credit of the general obligation bond retirement fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the general obligation bond retirement fund, shall be and are hereby transferred to and placed in the general fund.

43.79.341 ————Appropriations of 34th legislature to be paid from general fund. From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the general obligation bond retirement fund shall be paid out of moneys in the general fund.

43.79.342 ————Abolished. From and after the first day of May, 1955, the general obligation bond retirement fund is abolished.

43.79.343 ————Warrants to be paid from general fund. From and after the first day of May, 1955, all warrants drawn on the general obligation bond retirement fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

43.79.350 Suspense fund. There is established in the state treasury a special fund to be known as the suspense fund. All moneys which heretofore have been deposited with the state treasurer

in the state treasurer's suspense fund, and moneys hereafter received which are contingent on some future action, or which cover overpayments and are to be refunded to the sender in part or whole, and any other moneys of which the final disposition is not known, shall be transmitted to the state treasurer and deposited in the suspense fund in the state treasury.

43.79.360 ————**Transfer of moneys and records.** All moneys in the state treasurer's suspense fund and suspense account are hereby transferred to the suspense fund in the state treasury. All necessary records in the state treasurer's office relating to the state treasurer's suspense fund and suspense account are hereby transferred to the state auditor.

43.79.370 ————**Disbursements — Vouchers — Warrants.** Disbursement from the suspense fund (not to exceed receipts), shall be by warrant issued against the fund by the state treasurer, upon a properly authenticated voucher presented by the state department or office which deposited the moneys in the fund.

43.79.381 **Penitentiary revolving account abolished.** From and after the first day of August, 1957, the penitentiary revolving account is abolished.

43.79.390 **United States vocational education account—Moneys transferred to general fund.** All moneys in the state treasury to the credit of the United States vocational education account in the general fund on August 1, 1957, and all moneys thereafter paid into the state treasury for or to said account, shall be and are hereby transferred to and placed in the general fund.

43.79.391 ————**Appropriations to be paid from general fund.** From and after the first day of July, 1957, all appropriations made by the thirty-fifth legislature from the United States vocational education account shall be paid out of moneys in the general fund.

43.79.392 ————**Abolished.** From and after the first day of August, 1957, the United States vocational education account in the general fund is abolished.

43.79.393 ————**Warrants to be paid from general fund.** From and after the first day of August, 1957, all warrants drawn on the United States vocational education account in the general fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

Chapter 43.80**FISCAL AGENCY**

43.80.010 Agency created. There shall be in the city of New York a fiscal agency of the state of Washington, and of the counties, townships, school districts, cities, and towns therein, for the payment through such agency of all such bonds and coupons issued by this state, or by any county, township, school district, city, or town therein, as shall by their terms be made payable in the city of New York. Such agency shall be known as the fiscal agency of the state of Washington in the city of New York.

43.80.020 Designation by governor. The governor shall designate some well known and responsible bank or trust company in the city of New York having a paid-up capital amounting, with its surplus, to not less than one million dollars, to act as such fiscal agency.

He shall make duplicate certificates of such designation, cause them to be attested under the seal of the state, and file one in the office of the secretary of state and transmit the other to the bank or trust company designated.

The bank or trust company so designated shall be a fiscal agency established by this chapter, and shall continue to be such fiscal agency for the term of four years from and after the filing of the certificate of its designation, and thereafter until the designation of another bank or trust company as such fiscal agency.

No bank or trust company that buys or sells municipal bonds as a dealer shall be eligible to appointment as fiscal agent.

43.80.030 Duty of agency — Cremating procedure. The fiscal agency, on the receipt of any moneys transmitted to it by or for this state, or for any county, township, school district, city, or town therein, for the purpose of paying therewith any of its bonds or coupons by their terms made payable in the city of New York, shall transmit forthwith to the sender of such moneys a proper receipt therefor; pay such bonds or coupons upon presentation thereof for payment at the office of the agency in the city of New York at or after the maturity thereof, in the order of their presentation, insofar as the moneys received for that purpose suffice therefor; and cancel all such bonds and coupons upon payment thereof, and thereupon forthwith return the same to the proper officers of this state, or the county, township, school district, city, or town which issued them: *Provided*, That nothing herein shall prevent the state or any of the aforementioned political subdivisions thereof from designating its fiscal agency in the city of New York, also

as its cremating agency, and to provide by agreement therewith, that after any general or revenue obligation bonds or interest coupons have been canceled or paid, they may be destroyed as directed by the proper officers of the state or other political subdivisions hereinbefore mentioned: *Provided further*, That a certificate of destruction giving full descriptive reference to the instruments destroyed shall be made by the person or persons authorized to perform such destruction and one copy of the certificate shall be filed with the treasurer of the state, county, township, school district, city, or town as applicable. Whenever said treasurer has redeemed any of the bonds or coupons referred to in this section through his local office, or whenever such redemption has been performed by the trustee of any revenue bond issue, and the canceled instruments thereafter have been forwarded to said treasurer for recording, such canceled instruments may be forwarded to the cremating agency in the city of New York for destruction pursuant to any agreements therefor, or said treasurer may, notwithstanding any provision of state statute to the contrary, himself destroy such canceled instruments in the presence of the public officers or boards, or their authorized representatives, which by law perform the auditing functions within the state or such political subdivisions as hereinbefore specified: *Provided*, That he and the said auditing officers or boards shall execute a certificate of destruction, giving full descriptive reference to the instruments destroyed, which certificates shall be filed with those of the cremating agency herein designated. No certificate required by this section shall be destroyed until all of the bonds and coupons of the issue or series described thereon shall have matured and been paid or canceled.

43.80.040 Agency not to be compensated—Compensation for additional duties. The fiscal agency established by this chapter shall receive no compensation for the performance of the duties as fiscal agency so prescribed: *Provided however*, That such fiscal agency may receive compensation for the additional duties performed, as set forth in RCW 43.80.030, as amended, in such amounts as may be agreed upon between said fiscal agency and the state or any of its political subdivisions that may be involved.

43.80.050 Bonds payable at fiscal agency. No bonds issued by this state, or by any county, township, school district, city, or town therein, shall be by their terms made payable in the city of New York at a specific place other than the office of the fiscal agency.

43.80.060 Duty of treasurers. It shall be the duty of the state treasurer, and the duty of the treasurer or other proper officer of every county, township, school district, city or town in this state, to transmit to the fiscal agency hereby established, not less than

twelve days before the maturity of any bonds or coupons that shall hereafter be issued by the state, or by any county, township, school district, city or town therein, and that shall be by their terms made payable in the city of New York, sufficient moneys out of any funds in the hands of any such treasurer or other officer applicable to such purpose for the payment of such bonds and coupons.

Chapter 43.82

STATE AGENCY HOUSING

43.82.010 Acquisition of real estate, leases, construction of buildings, etc.—Delegation of director's functions—Charges—Studies—Approval of attorney general. The director of the department of general administration, as agent for the agency involved, shall purchase, lease or rent all real estate, improved or unimproved, needed for any offices, warehouses and similar purposes as may be required by elected state officials, institutions, departments, commissions and other state agencies: *Provided*, The director may delegate any or all of these functions to any agency upon such terms and conditions as he deems advisable: *Provided further*, That this section shall not apply to the acquisition of real estate by the colleges and universities for research or experimental purposes.

The director is also authorized to purchase, lease or rent improved or unimproved real estate as owner or lessee, and to lease or sublet all or a part of such real estate to state agencies. The director shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

In order to obtain maximum utilization of space, the director shall make space utilization studies, and shall establish standards for use of space by state agencies.

The director may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his management.

All contracts to purchase, lease or rent shall be approved as to form by the attorney general.

43.82.020 Approval by capitol committee when real estate located in Thurston county. The acquisition of real estate, and use thereof, shall be subject to the approval of the state capitol committee when the real estate is located in Thurston county.

43.82.030 Acquisition of property and rights declared public use—Eminent domain. The acquisition of any real property or any rights or interest therein for the purpose of this chapter is hereby declared to be for a public use. In furtherance of the purposes of this chapter, the right of eminent domain may be exercised as provided for in chapter 8.04.

43.82.040 Revenue bonds, coupons—Authorized, issuance, payment, etc.—Negotiability. To provide funds for the acquisition of real estate, the improvement of existing facilities thereon, the construction of buildings, the acquisition of furnishings and equipment therefor, and to pay interest on the revenue bonds authorized to be issued by this chapter during the estimated period of such improvement or construction and for six months after completion of such improvement or construction, if required, there shall be issued and sold revenue bonds of the state of Washington as determined to be necessary by the director of the department of general administration, but not in excess of the amounts appropriated or reappropriated for expenditures under the terms of this chapter.

The issuance and sale of the bonds shall be under the supervision and control of the state finance committee. The state finance committee, in its discretion, may provide for the issuance of coupon or registered bonds to be dated, issued, and sold at the request of the director at such time or times and in such amount or amounts as may be necessary to finance the program authorized in this chapter.

Each bond shall be made payable at any time not exceeding forty years from date of issuance, with such reserved rights of prior redemption, bearing such rate of interest, payable semiannually or annually, and with such terms, conditions, and covenants to safeguard the security and the rights of the holders thereof, including any provision for reserves, as the state finance committee may prescribe to be specified therein. The bonds may be payable at such places and be in such denominations as the committee may prescribe. All such bonds shall be fully negotiable.

43.82.050 ————Signatures and seal. The bonds shall be signed by the governor and the state auditor 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 may have printed or lithographic facsimile of the signatures of such officers. A lithographed facsimile reproduction of the seal of the state may be imprinted on the bonds in lieu of manually affixing an impression of the original seal.

43.82.060 ————Sale—Bonds are legal investment and security. The bonds may be sold in such manner and amounts, at such

times, and on such terms and conditions as the state finance committee may prescribe: *Provided*, That, if the bonds are sold to any persons other than the state of Washington, they shall be sold at public sale, and the state finance committee shall cause the sale to be advertised in such manner as it shall deem sufficient.

The bonds shall be sold for not less than par value.

The bonds shall be a legal investment for all state funds (except the permanent school fund) or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county and municipal deposits.

43.82.070 ————**Registration.** Any of such 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.

43.82.080 ————**Payable solely from revenues and not state obligation.** Bonds issued under provisions of this chapter shall distinctly state that they are not a general obligation of the state of Washington, but are payable solely out of revenues in the manner provided in this chapter.

43.82.090 **General administration construction fund—Designation of bonds as to project—Investment of bond proceeds, interest.** There is hereby created within the state treasury a special fund to be known as the “general administration construction fund” in which shall be deposited all moneys arising from the sale of such bonds, and all other moneys which may become available for carrying out the purposes of this chapter, provided, that from the moneys arising from the sale of such bonds there may be deposited in the general administration bond redemption fund an amount equal to the interest accruing on such bonds during the estimated period of construction of the project for which such bonds are issued and for six months after the completion of such construction. All such bonds shall be designated as to the project for which they are issued and the proceeds thereof shall be used solely for that project, and for the payment of the expense incurred in the printing, issuance and sale of such bonds and to pay interest on such bonds for the period aforesaid.

The state finance committee is authorized to invest the proceeds from the sale of such bonds in short term securities of the United State government: *Provided*, That such investment will not impede the orderly progress of the project for which the bonds were issued. The interest from such investments shall be deposited in the general administration bond redemption fund to the credit of the particular project involved.

43.82.110 General administration bond redemption fund—Lease of space—Surplus space—Pledge of rentals. All office or other space made available through the provisions of this chapter shall be leased by the director to such state agencies, for such rental, and on such terms and conditions as he deems advisable: *Provided, however,* If space becomes surplus, the director is authorized to lease office or other space in any project to any person, corporation or body politic, for such period as the director shall determine said space is surplus, and upon such other terms and conditions as he may prescribe.

There is hereby created within the treasury a special fund to be known as the "general administration bond redemption fund" in which all pledged rentals shall be deposited. In the event bonds are issued for more than one project, the rentals from each project will be maintained as separate accounts. The funds in this account or accounts shall be used to meet principal and interest payments when due on the bonds issued to finance the specific project for which each such account was created until all of such bonds and interest thereon have been paid.

The bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on the rentals deposited in the general administration bond redemption fund, as aforesaid, and received from the project for which the bonds were issued. Such rentals shall be pledged by the state for such purpose.

43.82.120 General administration bond redemption guarantee fund, limitation on total deposit—General administration management fund—Deposits. There is hereby established within the state treasury a reserve fund to be known as the "general administration bond redemption guarantee fund." All unpledged rental income collected by the department of general administration from rental of state buildings shall be deposited in the general administration bond redemption guarantee fund until a total of two hundred thousand dollars is on deposit in said fund after which all unpledged rental income shall be deposited in the general administration management fund, the creation of which is hereby authorized. In the event the general administration bond redemption guarantee fund is diminished, it shall be replenished in the same manner.

If at any time there is insufficient money in the general administration bond redemption fund to make any payments of interest or principal due on any bonds payable from such fund, the state treasurer shall transfer from such general administration bond redemption guarantee fund to the general administration bond redemption fund an amount sufficient to meet such payments.

43.82.125 Authorized uses for general administration management fund—Surplus to general fund. The general administration management fund shall be used to pay all costs incurred by the department in the operation of real estate managed under the terms of this chapter. Moneys received into the general administration management fund shall be used to pay rent to the owner of the space for occupancy of which the charges have been made and to pay utility and operational costs of the space utilized by the occupying agency: *Provided*, That moneys received into the fund for occupancy of space owned by the state where utilities and other operational costs are covered by appropriation to the department of general administration shall be immediately transmitted to the general fund: *Provided further*, That the director may expend not to exceed fifty thousand dollars per biennium from the general administration management fund to cover unusual or unexpected expenses connected with space occupancy or management that cannot be charged directly to any specific state agency. In the event the director determines that there is a surplus in this fund, he shall transfer such surplus to the general fund.

43.82.130 Powers and duties of director. The director of the department of general administration is authorized to do all acts and things necessary or convenient to carry out the powers and duties expressly provided in this chapter.

43.82.140 Insurance on buildings. The director may, in his discretion, obtain fire or other hazard insurance on any building under his management.

Chapter 43.83

CAPITAL IMPROVEMENTS 1959-1961 BOND ISSUE

43.83.010 Limited obligation bonds—Authorized—Issuance, sale, form, payment, etc.—Continuation of tax levy. For the purpose of furnishing funds to finance projects in the 1959-1961 capital budget, as adopted by the legislature, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of ten million eighty-nine thousand dollars to be paid and discharged not more than twenty years after date of issuance. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds; and the sale, issuance, and redemption thereof. None of the bonds

herein authorized shall be sold for less than the par value thereof. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner and from the proceeds of retail sales taxes as in RCW 43.83.010 through 43.83.050 provided. As a part of the contract of sale of the aforesaid bonds, the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto. Such bonds shall be payable at such places as the state finance committee may provide.

43.83.020 ————Proceeds to be deposited in state building construction account—Use. The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation act of 1959, and for payment of the expense incurred in the printing, issuance, and sale of such bonds.

43.83.030 ————Retirement from state building construction bond redemption fund—Retail sales tax collections, continuation of levy. Retirement of the bonds and interest authorized by RCW 43.83.010 through 43.83.050 shall be from the state building construction bond redemption fund created by chapter 298, Laws of 1957. The state finance committee shall on or before June 30th of each year certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by RCW 43.83.010 through 43.83.050. The state treasurer shall thereupon deposit such amount in the state building construction bond redemption fund from moneys transmitted to the state treasurer by the tax commission and certified by the tax commission to be sales tax collections, and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, subject to and inferior only to the charges thereon created by chapters 229 and 230, Laws of 1949, and chapter 298, Laws of 1957. Said bond redemption fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of the

bonds herein authorized, the state undertakes to continue to levy and collect a tax on retail sales equal to that portion thereof allocated to said fund as provided in RCW 43.83.010 through 43.83.050, and to place the proceeds thereof in the state building construction bond redemption fund and to make said fund available to meet said payments when due until all bonds and the interest thereon authorized under RCW 43.83.010 through 43.83.050 shall have been paid.

43.83.040 ————**Legislature may provide additional means of raising revenue.** The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by RCW 43.83.010 through 43.83.050 and RCW 43.83.010 through 43.83.050 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

43.83.050 ————**Bonds are negotiable, legal investment and security.** The bonds herein authorized shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits.

1961-1963 BOND ISSUE

43.83.060 Limited obligation bonds—Authorized—Issuance, sale, form, payment, etc.—Continuation of tax levy. For the purpose of furnishing funds to finance projects in the 1961-1963 capital budget, as adopted by the legislature, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of twenty-seven million five hundred fifty-six thousand dollars to be paid and discharged not more than twenty years after date of issuance. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds; and the sale, issuance, and redemption thereof. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner and from the proceeds of retail sales taxes as in RCW 43.83.060 through 43.83.068 provided. As a part of the contract of sale of the aforesaid bonds, the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in

such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto: *Provided*, That any bonds issued under authority of RCW 43.83.060 through 43.83.068 for the purpose of financing the construction of the correctional institution authorized by chapter 214, Laws of 1959, shall be so identified and shall be subject to call prior to the maturity date thereof. Such bonds shall be payable at such places as the state finance committee may provide. The state finance committee shall, in making its invitation or call for bids on the sale or issuance of such bonds, other than those governed by the proviso in this section, secure bids on the condition that the bonds may be called prior to maturity and it shall also secure bids on the condition that they shall not be subject to prior call.

43.83.062 ———Proceeds to be deposited in state building construction account—Use. The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation act of 1961, and for payment of the expense incurred in the printing, issuance, and sale of such bonds.

43.83.064 ———Retirement from state building construction bond redemption fund—Retail sales tax collections, continuation of levy. Retirement of the bonds and interest authorized by RCW 43.83.060 through 43.83.068 shall be from the state building construction bond redemption fund created by chapter 298, Laws of 1957. The state finance committee shall on or before June thirtieth of each year certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by RCW 43.83.060 through 43.83.068. The state treasurer shall thereupon deposit such amount in the state building construction bond redemption fund from moneys transmitted to the state treasurer by the tax commission and certified by the tax commission to be sales tax collections, and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, subject to and inferior only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued. Said bond redemption fund shall be kept segre-

gated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of the bonds herein authorized, the state undertakes to continue to levy and collect a tax on retail sales equal to that portion thereof allocated to said fund as provided in RCW 43.83.060 through 43.83.068, and to place the proceeds thereof in the state building construction bond redemption fund and to make said fund available to meet said payments when due until all bonds and the interest thereon authorized under RCW 43.83.060 through 43.83.068 shall have been paid.

43.83.066 ————**Legislature may provide additional means of raising revenue.** The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by RCW 43.83.060 through 43.83.068 and RCW 43.83.060 through 43.83.068 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

43.83.068 ————**Bonds are negotiable, legal investment and security.** The bonds herein authorized shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits.

Chapter 43.84

INVESTMENTS AND INTERFUND LOANS

43.84.010 Investment of permanent funds. Whenever there are in the permanent common school fund or in the permanent funds of the state university, scientific school, agricultural college, colleges of education, or the charitable, educational, penal, and reformatory institutions, one thousand dollars or more available for investment, the state finance committee shall invest the same in national, state, county, municipal, or school district bonds; purchasing them either directly or in the open market. The bonds may bear such interest rates as the state finance committee may determine.

In the purchase of such bonds the committee may pay such premium as it may determine: *Provided*, That where bonds are purchased at a premium the state treasurer shall amortize the premium from the interest collected by methods of accounting

commonly used by banks and insurance companies to the end that the principal trust funds so invested may not be impaired.

The state finance committee may sell any bond or bonds and reinvest the proceeds as provided in this section.

The word "bonds" does not mean or include any special, or assessment district bonds, or bonds other than those found to be within the limit of indebtedness prescribed by law, and authorized and issued as general obligation bonds.

School district bonds, duly authorized and issued, shall be given preference in such investments.

When an investment is made, the state treasurer shall draw his warrant on the proper fund for the amount invested, and the bonds purchased shall be deposited with the state treasurer, who shall collect all interest and principal payments falling due thereon.

The state finance committee shall sell no bonds under its control except upon a unanimous vote of its membership at a meeting at which all members are present.

43.84.020 Investment of permanent school fund in state bonds. Whenever there are in the hands of the state treasurer, five thousand dollars or more, belonging to the permanent common school fund, of which no investment can be made in the securities authorized by law, and the state has an outstanding general fund warrant indebtedness of five thousand dollars or more, the governor and the state auditor shall issue bonds of the state to that amount, and sell and deliver such bonds to the state treasurer for the account of the permanent common school fund at the par value thereof.

43.84.030 Description of bonds—Payment. Such bonds shall bear the date of issue; be issued in denominations of five thousand dollars; and bear interest at the rate of three and one-half percent per annum, payable semiannually out of the general fund, on the first days of May and November of each year until paid. The principal of the bonds shall be payable, on or before twenty years from the date of issue, to the state treasurer for the account of the permanent common school fund, out of the general fund to which the proceeds were credited, and when paid the principal thereof shall be credited to the permanent common school fund.

The state treasurer shall transfer from the general fund to the current state school fund sufficient money to pay the interest as it falls due, and certify his action to the budget director, which certificate shall be authority for the budget director to make the necessary and proper entries in the books and records of his office to show such transfer.

43.84.040 Printing of bonds—Signatures. The bonds shall be printed on good bond paper and shall each be signed by the governor and attested by the state auditor, and sealed with the seal of the state auditor, but no coupon need be attached thereto.

43.84.050 Redemption of general fund warrants. Whenever any such bonds are executed and presented to the state treasurer, he shall invest the permanent common school fund therein to the amount of the par value thereof at par, and receipt to the state auditor therefor, and at once transfer from the permanent common school fund to the general fund money to the amount of the bonds and the money so transferred shall be used at once in the redemption of outstanding general fund warrants.

43.84.060 Interest to current school fund. All interest paid on such bonds shall be credited to the state current school fund on the day it falls due.

43.84.070 Redemption of bonds. The state treasurer shall redeem any of such bonds on any interest date whenever, and to the extent that, he has in his hands money belonging to the general fund equal to one or more of such bonds in excess of all outstanding general fund warrants.

43.84.080 Investment of current state funds. Whenever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state finance committee may invest such portion of such funds or balances as it deems expedient in certificates, notes, or bonds of the United States, or in state, county, municipal, or school district bonds, or in warrants of taxing districts of the state. Such bonds and warrants shall be only those found to be within the limit of indebtedness prescribed by law for the taxing district issuing them and to be general obligations. The state finance committee may purchase such bonds or warrants directly from the taxing district or in the open market at such prices and upon such terms as it may determine, and may sell them at such times as it deems advisable. The committee may, in addition, invest such excess funds in motor vehicle fund warrants when authorized by agreement between the committee and the state highway commission requiring repayment of invested funds from any moneys in the motor vehicle fund available for state highway construction.

43.84.090 Reserve to be set aside. Twenty percent of all income received from such investments shall be set aside in a reserve fund. This fund shall be maintained until it reaches five percent of the principal invested.

Investments purchased for more or less than par shall be amortized to obtain the true amount of income, and the amortized value of the principal, at any time, shall be the cost of the security plus or minus such portion of the income as has been assigned to principal.

Any loss sustained by selling investments for less than the amortized value of the principal may be charged to the reserve fund. Any profits obtained from selling investments for more than the amortized value of the principal shall be considered as income. All income other than that set aside in the reserve fund shall be credited to the deposit interest fund in the state treasury.

43.84.095 Exemption from reserve fund—Motor vehicle fund income from U.S. Securities. Whenever moneys of the motor vehicle fund shall be invested in bonds, notes, bills or certificates of the United States treasury payable at par upon demand, or within a term not greater than one year, it shall not be necessary to place any portion of the income therefrom in the reserve fund provided for in RCW 43.84.090.

43.84.100 Interfund loans. Whenever there is in any fund in the state treasury insufficient moneys to meet the current expenditures properly payable therefrom and there are in any other funds moneys in excess of the amount required to meet the current expenditures therefrom, the state treasurer, with the consent of the state finance committee, may make temporary loans from the funds having excess moneys to those having insufficient moneys of such sums as may be necessary to meet the demands thereon: *Provided*, That this shall not authorize the loan of any moneys from the permanent common school fund, or from any of the permanent irreducible funds, of the state.

43.84.110 Interest on loans. When any such loan is made, the state treasurer shall charge the receiving fund with the loan and with interest thereon at the depository 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 depository 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.

43.84.120 Investment in state warrants. Whenever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, and over and above the amount belonging to the permanent school fund as shown by the separation made by the state treasurer, the state finance committee may invest such portion of such funds or balances over and above that belonging to the permanent school fund in warrants of the state of Washington. The state finance committee may purchase such state warrants at such prices and upon such terms as it may determine, and may sell them at such times and on such terms as it deems advisable.

Upon such investment being made, the state treasurer shall pay into the general fund the amount so invested, and the warrants so purchased shall be deposited with the state treasurer, who shall collect all interest and principal payments falling due thereon and allocate the same to the proper fund or funds.

43.84.130 Separate accounting as to permanent school fund. For the purposes of RCW 43.84.120 the state treasurer shall make and keep an accounting separation of the amount of cash balances in the state treasury belonging to the permanent school fund.

43.84.140 Investment of scientific school, agricultural college, and state university funds in regents' revenue bonds. In addition to the provisions of RCW 43.84.010, the state finance committee is authorized to invest moneys in the scientific school permanent fund and the agricultural college permanent fund in regents' revenue bonds issued by the board of regents of Washington State University for the purposes provided for in RCW 28.76.180 and to invest moneys in the State University Permanent Fund in regents' revenue bonds issued by the board of regents of the University of Washington for the purposes provided in RCW 28.76.180.

Chapter 43.85

STATE DEPOSITARIES

43.85.010 Designation of depositaries. 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, may, upon depositing security as hereinafter provided, and upon compliance with all other requirements of law, become a state depository.

No state funds shall be deposited in any institution other than a state depository.

The record of the proceedings of the committee shall be kept in the office of the committee 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.

43.85.020 Bank includes trust company. The word "bank" includes any trust company organized under the laws of the state, engaged in the banking business.

43.85.030 Collateral—Surety bond. Every state depository, before it shall be entitled to receive any state moneys, shall deposit with the state treasurer securities hereinafter enumerated as collateral and pledge for payment on demand or at a specified future date, to him or his order, free of exchange, at any place designated by him, of all such moneys deposited with it and of interest thereon at the rate fixed by the state finance committee, 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 of the state 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.

The state finance committee in lieu of collateral, may accept from any depository a good and sufficient bond of a surety company authorized to do business in the state, to be approved by the committee as security and pledge for the payment on demand or at a specified future date to the state treasurer or his order, free of exchange, at any place in this state designated by the treasurer, of all such moneys deposited with it, and of interest thereon at the rate fixed by the state finance committee, which bond shall be at least equal to the amount of the moneys to be received by the depository.

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 state depository, and may also as often as it deems neces-

sary 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.

43.85.040 Approval by finance committee—Revocation. The state finance committee shall not approve the bonds and warrants, or in lieu thereof the bond of a surety company of any such depository, until fully satisfied that such bonds and warrants are good and sufficient, and that the depository is prosperous and financially sound and has unimpaired the paid-up capital and surplus claimed by it.

The committee may at any time require any state depository to furnish a new or additional bond or bonds, and upon its failure so to do may after fifteen days' notice to the depository revoke the designation and approval thereof, and immediately upon such revocation, the bank shall cease to be a state depository.

43.85.050 Rate of interest. The state finance committee shall from time to time fix the rate of interest to be paid by depositaries upon moneys deposited with them, and cause notice thereof to be published in such newspapers as it may direct. The rate of interest, until changed by the committee shall be not less than two percent per annum.

43.85.060 Monthly and quarterly statements. Every state depository shall, on the first day of each calendar month, and oftener when required, file with the state auditor a sworn statement of the amount of state moneys on deposit with it, and shall, within ten days after the first day of January, April, July, and October in each year make a full statement of all deposits and payments of state moneys during the preceding quarter, together with a computation and statement of the interest earned thereon, computed upon the daily balance on deposit, to the state finance committee which interest shall thereupon be remitted to the state treasurer and placed to the credit of the deposit interest fund.

The statement shall be upon such forms as may be prescribed by the state finance committee and accompanied by an affidavit of the president and cashier of such depository to the effect that it is in all respects true and correct, and that, except for the interest therein credited, neither the depository nor any officer, agent, or employee thereof, nor any person in its behalf has in any way whatsoever given, paid, or rendered or promised to give, pay, or render to any member of the committee, or to any other person or corporation whatever any money, credit, service, or benefit whatsoever by reason or in consideration of a deposit with it of any portion of the state moneys.

Any person who shall make any false statement in any affidavit required by this section shall be guilty of perjury.

The total interest paid by all depositaries shall be placed by the state treasurer to the credit of the deposit interest fund, and upon the fifteenth day of January of each year, the state treasurer shall divide the deposit interest fund among the various funds from which such deposits are made, in proportion to the respective amounts thereof.

43.85.070 Deposits deemed in state treasury—Deposit limit. The state treasurer may deposit with any depositary which has fully complied with all requirements of law any state moneys in his hands or under his official control and any sum so on deposit shall be deemed to be in the state treasury, and he shall not be liable for any loss thereof resulting from the failure or default of any such depositary without fault or neglect on his part or on the part of his assistants or clerks. The amount at any time on deposit with any depositary shall not exceed ninety percent of the value of the securities deposited by it: *Provided*, That in the event repayment of deposits in a depositary is insured by the Federal Deposit Insurance Corporation, or by any other corporation, agency, or instrumentality organized and acting under and pursuant to the laws of the United States, and authorized to insure the repayment of bank deposits, such depositary shall be required to deposit securities only to the amount necessary to secure the excess of the moneys on deposit with it over the amount covered by such insurance.

43.85.080 Safekeeping of collateral. A state depositary qualified to receive state moneys on deposit, having bonds or securities pledged or to be pledged by it with the state treasurer as collateral for the payment on demand of all such moneys deposited with it, may, by written notice, request the state treasurer to designate a trust company or bank exercising trust powers and located within the state as a trustee for the safekeeping of such bonds and securities, or it may, by written notice request the state treasurer, to designate a trust company or bank exercising trust powers located without the state as trustee under the terms and provisions of this enactment for the safekeeping of such bonds and securities. A trust company or bank so designated and located without the state shall have a combined actual paid up capital and surplus of not less than one million dollars. The identity of the trustee, the terms of the agreement between such trustee and the depositary, and the character of the bonds or securities pledged, shall all be subject to the approval of the state treasurer.

43.85.090 Receipts to be issued by trustee. A receipt describing the securities held and the purpose, terms, and conditions of such

holding, shall be issued by the trustee in duplicate, and one of such duplicates shall be delivered to the state treasurer to whom the securities are pledged, and one shall be delivered to the depositary by whom the securities are pledged. Such receipt shall be accepted by all public officers of the state as prima facie evidence of the facts therein stated.

43.85.100 Interest coupons to depositary. In the event of the insolvency or closing of the depositary bank, the trustee shall, upon demand, deliver the securities to the state treasurer.

Prior to any default of the depositary the trustee shall, as the same mature and become payable, clip from all coupon bonds deposited the interest coupons thereof and deliver them on demand, to the depositary.

43.85.110 Trustee's compensation payable by depositary. The compensation of the trustee for keeping the securities shall be a charge against and be paid by the depositary and shall not be chargeable to the state as pledgee or to the treasurer thereof, nor shall such charges or compensation be a lien upon the pledged securities.

43.85.120 Bank cannot act as trustee of its own securities. No bank or trust company shall act as trustee for the keeping of its own bonds or securities when pledged by it as a depositary of state funds: *Provided*, That nothing herein shall prevent the state treasurer from keeping under his sole control in a safe, or safe deposit box in the vault of a bank or trust company, bonds or securities pledged by that bank or trust company as a depositary of state funds.

43.85.130 Deposit of land commissioner's funds. The commissioner of public lands shall deposit daily all moneys and fees collected or received by him in the discharge of his official duties, including all moneys and fees which remain in his custody and control awaiting disposition under the provisions of the land laws, or the action of the department of natural resources: *Provided*, That all moneys collected or received by him, belonging to the state at the time, or to any department or institution thereof, in payment of principal and interest under outstanding contracts and leases, where no question is raised as to the right of the state to receive payment, shall be paid to the state treasurer daily in the manner provided by law.

Money shall not be deemed to have been paid to the state upon any sale or lease of land until it has been paid to the state treasurer.

43.85.140 Designation of depositaries. The deposit of all moneys other than the moneys paid to the state treasurer as required by

law, shall be made only in special depositaries. The depositaries shall be designated and selected by the state finance committee in the manner provided for the designation of state depositaries, and after such selection and designation by the committee notice thereof shall be given to the commissioner of public lands, and the commissioner shall thereupon make daily deposits therein of the moneys in his official custody and control.

43.85.150 Collateral. Every depositary so selected shall file with the state treasurer a good and sufficient bond or collateral securities, or bonds of the United States, or bonds or warrants of the state, or of any county or school district in this state, to be approved by the committee as a security and pledge for the payment on demand of the commissioner of public lands, or his order or his successors, free of exchange, at any place in this state designated by the commissioner, of all such moneys so deposited by him, and the interest thereon at the rate fixed by the state finance committee. Such bond or securities shall be at least equal to the amount of the moneys to be received by the depositary, and shall, before any deposit by the commissioner of public lands, be approved by the committee. The depositary may be examined from time to time as provided in relation to state depositaries.

43.85.160 Rate of interest. The state finance committee shall from time to time fix the rate of interest to be paid by depositaries upon moneys deposited with them by the commissioner of public lands.

43.85.170 Quarterly statement. Every state depositary selected for the receipt and deposit of moneys by the commissioner of public lands, shall quarterly on the first of January, April, July, and October file with the state auditor a sworn statement of the amount of moneys on deposit with it to the credit of the commissioner of public lands, together with a computation of the interest earned thereon at the rate fixed by the state finance committee, to be computed upon the daily balance on deposit, and such statement and computation shall also be made to the committee. The interest shall thereupon be forthwith remitted by the depositary to the state treasurer and by him placed in and credited to the general fund.

43.85.180 Form of statement—Penalty. The statements required of the depositaries shall be upon such forms as may be prescribed by the state finance committee and shall be accompanied by the affidavit of the president and cashier of such depositary, to the effect that it is in all respects true and correct, and that except for the interest therein credited, neither said depositary nor any officer,

agent or employees thereof, nor any person in its behalf, has in any way whatsoever given, paid, or rendered, or promised to give, pay, or render to any member of the state finance committee or to any person or corporation whatever, any money, credit, service, or benefit whatsoever by reason or in consideration of a deposit with it of any portion of the moneys in the custody, possession, or control of the commissioner of public lands. Any person who shall make any false statement in any such affidavit shall be guilty of perjury.

43.85.190 Deposits and rate of interest. It is the purpose of RCW 43.85.190 through 43.85.240 to authorize the state treasurer to deposit state moneys or funds in his custody in state depositories at a rate of interest agreed to by the state finance committee and the depository.

43.85.200 ———State moneys defined. All moneys or funds belonging to or in the custody of the state under the control of the state treasurer shall be considered as state moneys or funds.

43.85.210 ———Demand and time accounts authorized. The state treasurer may deposit state moneys or funds at interest in any qualified state depository bank upon a demand or time account basis.

43.85.220 ———Members of federal reserve or federal deposit insurance corporation. If state depositories are member banks of the federal reserve system, or are banks the deposits of which, within certain limits, are insured by the federal deposit insurance corporation and, as such, are prohibited by a statute of the United States or by a lawful regulation of the federal reserve system or of the federal deposit insurance corporation, or of any authorized agency of the federal government, from paying interest upon demand deposits of public funds of a state, the payment of interest shall not be required of such depositories to the extent and for the period of time that payment thereof is prohibited.

43.85.230 ———Term deposit basis. The state treasurer, upon approval by the state finance committee, may deposit moneys not required to meet current demands upon a term deposit basis not to exceed one year at such interest rates and upon such conditions as to withdrawals of such moneys as may be agreed upon between the state finance committee and any qualified depository bank or banks in the state.

43.85.240 ———Disposition of interest paid by depositories. All sums paid as interest to the state by depositories keeping public moneys or funds of the state on deposit shall be credited by the state treasurer upon receipt thereof to the general fund, excepting

that any sums paid as interest from the use of motor vehicle funds shall be credited by the state treasurer to the motor vehicle fund.

Chapter 43.86

STATE BUDGET

43.86.090 Deficiencies prohibited. It shall be unlawful for any department head or disbursing officer to incur any deficiency and any appointive officer or employee violating the provisions of this section shall be subject to summary removal.

43.86.100 Emergencies. Whenever an emergency shall arise necessitating an expenditure for the preservation of peace, health or safety, or for the carrying on of the necessary work required by law of any department for which insufficient or no appropriations have been made, the head of such department shall submit to the governor, duplicate copies of a sworn statement, setting forth the facts constituting the emergency and the estimated amount of money required therefor. If the governor approves such estimate in whole or in part, he shall indorse on each copy of the statement his approval, together with a statement of the amount approved and transmit one copy to the head of the department and thereby authorize him to incur such liability. Such authorization and full compliance with its provisions shall relieve the person incurring any such liability from personal liability or penalty therefor.

The total amount of such liabilities outstanding on December 1st of the year preceding the biennial session of the legislature shall be included in the governor's budget as a deficiency, and provision for an appropriation therefor made in his budget bill: *Provided*, That in no biennium shall the total amount of such liabilities exceed the sum of two hundred fifty thousand dollars.

43.86.130 Penalty. Any officer or employee violating, or wilfully refusing or failing to comply with, any provision of this chapter shall be guilty of a misdemeanor.

43.86.140 Terms defined. The term "department" as used in this chapter includes every elective office of the state government, every state department, institution, board, commission, committee, or other administrative unit expending state funds.

The term "fiscal year" means the year beginning July 1st and ending on the following June 30th.

Chapter 43.88

BUDGET AND ACCOUNTING SYSTEM

43.88.010 Purpose. 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.

43.88.020 Definitions. (1) "Budget" shall mean a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures;

(2) "Budget document" shall mean a formal, written statement offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Budget director" shall mean the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The budget director shall be head of the central budget agency, 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.

43.88.030 Content of the budget document. The budget document 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 shall also contain:

As to revenues:

- (1) Anticipated revenues classified by fund and source;
- (2) Comparisons between revenues actually received during the immediately past fiscal period, those received or anticipated for the current period, and those anticipated for the ensuing period;
- (3) Cash surplus, by fund, to the extent provided by RCW 43.88.040;
- (4) Such additional information dealing with revenues as the governor shall deem pertinent and useful to the legislature.

As to expenditures:

- (1) 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 detailed estimates of all anticipated revenues applicable to proposed operating expenditures. Part II shall also include all proposed operating expenditures. The total of anticipated revenues shall equal 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 shall further include:

- (1) Interest, amortization and redemption charges on the state debt;
- (2) Payments of all reliefs, judgments and claims;
- (3) Other statutory expenditures;
- (4) Expenditures incident to the operation for each agency in such form as the governor shall determine;
- (5) Revenues derived from agency operations;
- (6) 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 and next ensuing periods;
- (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:

- (1) 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) 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) Such other information bearing upon capital projects as the governor shall deem to be useful to the legislature.

43.88.040 Cash surplus. Surplus available for appropriation shall be limited to cash surplus, defined for purposes of this chapter as any money, assets or other resources available for expenditure over and above any liabilities which are expected to be incurred by the close of the current fiscal period. If the aggregate of estimated revenues for the next ensuing fiscal period, together with the surplus, if any, for the current fiscal period exceeds the applicable appropriations proposed by the governor for the next ensuing fiscal period, the governor shall include in Part I of the budget document his recommendations for the use of said excess of anticipated revenues, and said surplus, over applicable appropriations for the reduction of indebtedness, for the reduction of taxation or for other purposes as in his discretion shall serve the best interests of the state.

43.88.050 Cash deficit. Cash deficit of the current fiscal period is defined for purposes of this chapter as the amount by which the aggregate of expenditures charged to a fund will exceed the aggregate of receipts credited to such fund in the current fiscal period, less the extent to which such deficit may have been provided for from available reserve funds.

If, for any applicable fund, the estimated revenues for the next ensuing period plus cash surplus shall be less than the aggregate of appropriations proposed by the governor for the next ensuing fiscal period, the governor shall include in Part I of the budget document his proposals as to the manner in which the anticipated deficit shall be met, whether by an increase in the indebtedness of the state, by the imposition of new taxes, by increases in tax rates or an extension thereof, or in any like manner. The governor may provide for orderly liquidation of the currently existing deficit over a period of one or more fiscal periods, if, in his discretion, such manner of liquidation would best serve the public interest.

43.88.060 Legislative review of budget document and budget bill. 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. The governor shall also submit a budget bill 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 and to supply such additional information as may be required.

43.88.070 Appropriations. Appropriations shall be deemed maximum authorizations to incur expenditures but the governor shall exercise all due supervision and control to ensure that expenditure rates are such that program objectives are realized within these maximums.

43.88.080 Adoption of budget. Adoption of the appropriation, or budget, bill by the legislature shall constitute adoption of the budget and the making of appropriations therefor. The budget shall be finally adopted not later than thirty calendar days prior to the beginning of the fiscal period.

43.88.090 Development of budget. 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. 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.

43.88.100 Executive hearings. The governor may provide for hearings on all agency requests for expenditures to enable him to make determinations as to the need, value or usefulness of activities or programs requested by agencies. The governor may require the

attendance of proper agency officials at his hearings and it shall be their duty to disclose such information as may be required to enable the governor to arrive at his final determination.

43.88.110 Expenditure programs—Allotments—Reserves. Subdivisions (1) and (2) of this section set forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch.

(1) Before the beginning of the fiscal period, all agencies shall submit to the governor a statement of proposed agency expenditures at such times and in such form as may be required by him. The statement of proposed expenditures shall show, among other things, the requested allotments of appropriations for the ensuing fiscal period for the agency concerned for such periods as may be determined by the budget director for the entire fiscal period. The governor shall review the requested allotments in the light of the agency's plan of work and, with the advice of the budget director, he may revise or alter agency allotments: *Provided*, That revision of allotments shall not be made for the following: Agencies headed by elective officials; University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; and Western Washington State College. The aggregate of the allotments for any agency shall not exceed the total of appropriations available to the agency concerned for the fiscal period.

(2) Except for agencies headed by elective officials and for institutions for higher education, as provided in this section, the approved allotments may be revised during the course of the fiscal period in accordance with the regulations issued pursuant to this chapter. If at any time during the fiscal period the governor shall ascertain that available revenues for the applicable period will be less than the respective appropriations, he shall revise the allotments concerned so as to prevent the making of expenditures in excess of available revenues. To the same end, and with the exception stated in this section for allotments involving agencies headed by elective officials and for institutions for higher education the governor is authorized to withhold and to assign to, and to remove from, a reserve status any portion of an agency appropriation which in the governor's discretion is not needed for the allotment. No expenditures shall be made from any portion of an appropriation which has been assigned to a reserve status except as provided in this section.

(3) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter.

43.88.120 Revenue estimates. Before the beginning of any fiscal period, any agency engaged in the collection of revenues shall submit to the governor statements of revenue estimates at such times and in such form as may be required by him.

43.88.130 When contracts and expenditures prohibited. No agency shall expend or contract to expend any money or incur any liability in excess of the amounts appropriated for that purpose: *Provided*, That nothing in this section shall prevent the making of contracts or the spending of money for capital improvements, nor the making of contracts of lease or for service for a period exceeding the fiscal period in which such contract is made, when such contract is permitted by law. Any contract made in violation of this section shall be null and void.

43.88.140 Lapsing of appropriations. All appropriations shall lapse at the end of the fiscal period to the extent that they have not been expended or lawfully obligated. Any remaining unexpended and unobligated balance of appropriations shall revert to the fund from which the appropriation was made.

43.88.150 Priority of expenditures—Appropriated and nonappropriated funds. For those agencies which make expenditures from both appropriated and nonappropriated funds, the governor is authorized to direct such agencies to charge their expenditures in such ratio, as between appropriated and nonappropriated funds, as will conserve appropriated funds.

43.88.160 Fiscal management—Powers and duties of officers and agencies. 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; budget director. The governor, through his budget director, 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 central budget agency. The budget director may require such financial, statistical and other reports as he deems necessary from all agencies covering any period.

In addition, the budget director, 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; and Western Washington State College;

(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; and Western Washington State College;

(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 budget director. 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 and the treasurer shall not be liable under his surety bond for erroneous or improper payments so made. 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.

(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:

(i) Determinations as to whether agencies, in making expenditures, complied with the will of the legislature; and

(ii) Such plans as he 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.

(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 budget director. It shall be the duty of the budget director 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 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 and legislative council 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.

43.88.170 Refunds of erroneous or excessive payments. Whenever any law which provides for the collection of fees or other payment by an agency does not authorize the refund of erroneous or excessive payments thereof, refunds may be made or authorized by the agency which collected the fees or payments of all such amounts received by the agency in consequence of error, either of fact or of law. The regulations issued by the governor pursuant to this chapter shall prescribe the procedure to be employed in making refunds.

43.88.180 Where appropriations not required. Appropriations shall not be required for refunds, as provided in RCW 43.88.170, nor in the case of payments 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 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 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 to permit payment of obligations by revolving funds, as provided in RCW 43.88.190.

43.88.190 Revolving funds. Revolving funds shall not be created by law except to finance the operations of service units, or units set

up to supply goods and services to other units or agencies. Such service units where created shall be self-supporting operations featuring continuous turnover of working capital. The regulations issued by the governor pursuant to this chapter shall prescribe the procedures to be employed by agencies in accounting and reporting for revolving funds and may provide for the keeping of such funds in the custody of the treasurer.

43.88.200 Public records. All agency records reflecting financial transactions, such records being defined for purposes of this chapter to mean books of account, financial statements, and supporting records including expense vouchers and other evidences of obligation, shall be deemed to be public records and shall be available for public inspection in the agency concerned during official working hours.

43.88.210 Transfer of certain powers and duties. It is the intent of this chapter to assign to the governor's office authority for developing and maintaining budgeting, accounting, reporting and other systems necessary for effective expenditure and revenue control among agencies.

To this end:

(1) All powers and duties and functions of the state auditor relating to the disbursement of public funds by warrant or check are hereby transferred to the state treasurer as the governor may direct but no later than ninety days after the start of the next fiscal biennium, and the state auditor shall deliver to the state treasurer all books, records, accounts, equipment, or other property relating to such function. In all cases where any question shall arise as to the proper custody of any such books, records, accounts, equipment or property, or pending business, the governor shall determine the question;

(2) In all cases where reports, notices, certifications, vouchers, disbursements and similar statements are now required to be given to any agency the duties and responsibilities of which are being assigned or reassigned by this chapter, the same shall be given to the agency or agencies in the manner provided for in this chapter.

43.88.220 Federal law controls in case of conflict—Rules. If any part of this chapter 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 chapter is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The rules and regulations under this chapter shall meet federal require-

ments which are a necessary condition to the receipt of federal funds by the state.

43.88.230 Legislative agencies and committees deemed part of legislative branch. For the purposes of this chapter, the legislative council, the statute law committee, the legislative budget committee, and all legislative interim committees shall be deemed a part of the legislative branch of state government.

43.88.240 Exemption of certain fruit, dairy, agricultural commissions. This chapter shall not apply to the Washington state apple advertising commission, the Washington state fruit commission, the Washington state dairy products commission, or any agricultural commodity commission created under the provisions of chapter 15.66: *Provided*, That all such commissions shall submit estimates and such other necessary information as may be required for the development of the budget and shall also be subject to audit by the appropriate state auditing agency or officer.

Chapter 43.89

TELETYPEWRITER COMMUNICATIONS NETWORK

43.89.010 Teletypewriter communications network—Establishment—Use—Charges—Duties of director of budget. The director of budget is hereby authorized to establish a teletypewriter communications network which will inter-connect the law enforcement agencies of the state and its political subdivisions into a unified written communications system. The director of budget is authorized to lease or purchase such facilities and equipment as may be necessary to establish and maintain such teletypewriter communications network.

(1) The communications network shall be used exclusively for the official business of the state, and the official business of any city, county, city and county, or other public agency.

(2) This section does not prohibit the occasional use of the state's communications network by any other state or public agency thereof when the messages transmitted relate to the enforcement of the criminal laws of the state.

(3) The director of budget shall fix the monthly operational charge to be paid by any department or agency of state government, or any city, county, city and county, or other public agency participating in the communications network: *Provided*, That in computing charges to be made against a city, county, or city and county the state shall bear at least fifty percent of the costs of such service as

its share in providing a modern unified communications network to the law enforcement agencies of the state.

(4) The director of budget is authorized to arrange for the connection of the communications network with the law enforcement communications system of any adjacent state, or the Province of British Columbia, Canada.

43.89.020 State communications advisory committee—Created—Members—Pay—Terms—Powers and duties. There is hereby created the state communications advisory committee which shall advise the director of budget on matters relating to the operation of the teletypewriter communications system established hereunder.

(1) The committee shall serve without pay and shall meet at such times as the chairman or director of budget so determine. Attendance at meetings of the committee shall be deemed performance by a member of the duties of his state or political subdivision's employment.

(2) The committee shall consist of seven members appointed by the governor and shall include:

- (a) An incumbent county sheriff;
- (b) An incumbent chief of police;
- (c) An incumbent county commissioner;
- (d) An incumbent city chief executive officer;
- (e) A member of the Washington state patrol;
- (f) The director of state institutions or his duly authorized representative;
- (g) The state director of civil defense.

(3) The term of each member of the committee shall be two years, except that the term of three of the original members, to be determined by the governor, shall expire on July 1, 1964. The governor shall designate one of the members to serve as chairman.

(4) The committee shall advise the director of budget on the initial formation and installation of a teletypewriter communications network and approve the initial or subsequent connection of any city, county, city and county or local subdivision to the network.

(5) The committee shall adopt such rules, regulations, procedures, and methods of operation as it deems necessary to effectuate the most efficient and economical use of the communications network.

43.89.030 Connection with and participation in network by political subdivisions. Any city, county, city and county, or other public agency may connect with and participate in the teletypewriter communications network subject to the rules, regulations, procedures and methods of operation adopted by the state communications advisory committee: *Provided*, That such city, county, city and

county, or other public agency shall first agree to pay such installation charges as may be necessary for such connection and such monthly operational charges as may be established by the director of budget.

Chapter 43.91

AUTOMOBILE POOL

43.91.010 Pool may be established. The director of highways may establish a centralized transportation service, known as the automobile pool, to provide all appointive state offices, boards, commissions, departments, and institutions with automotive transportation required for the transaction of official state business.

43.91.020 Purchase of cars, storage, upkeep, repair, etc. The director shall acquire by purchase from time to time a sufficient number of automobiles to fulfill the needs of the automobile pool, provide for the necessary storage, upkeep and repair thereof, and establish means for servicing all vehicles in the pool with gasoline, lubricating oil, and other necessary operating requirements.

43.91.030 Request for vehicles. All officers and employees of the various state agencies embraced in this chapter, whenever transportation by motor vehicle is necessary on state business, shall present to the director a written request for a vehicle which shall be furnished out of the automobile pool.

43.91.040 Check on mileage—Cost to be billed. The director shall keep a check on the mileage of each vehicle in the pool when in the use of any state agency, and at the end of each month shall bill the several using agencies on the basis of a mileage charge commensurate with the cost of operating the pool.

43.91.050 Use by other departments. Any state office, board, commission, department, or institution other than those mentioned in RCW 43.91.010 shall have the privilege of participating in the automobile pool whenever automotive transportation is needed for the transaction of official business and when so participating shall be subject to the same requirements, limitations, and restrictions as are, by this chapter or by rules and regulations of the director, imposed upon the state agencies mentioned in RCW 43.91.010.

43.91.060 Highway equipment fund to finance pool. The establishment, maintenance, and operation of the automobile pool shall be financed by the director of highways out of the highway equipment fund, to which shall be credited all receipts from the pool operation, and out of which shall be paid all necessary expenses incurred.

43.91.070 Rules and regulations. The director of highways may promulgate such rules and regulations as may be necessary to effectuate the purposes of this chapter.

43.91.080 Private vehicles may be used. This chapter shall not be construed to prohibit a state officer or employee from using his personal motor vehicle on state business and being reimbursed therefor.

Chapter 43.92

GEOLOGICAL SURVEY

43.92.010 Duty of director—Supervisor of geology. There shall be a geological survey of the state which shall be under the direction of the director of conservation who shall have general charge of the survey, and shall appoint as supervisor of the survey a geologist of established reputation, to be known as the supervisor of geology.

43.92.020 Objects of survey. The survey shall have for its objects: An examination of the economic products of the state, viz: The gold, silver, copper, lead, and iron ores, as well as building stones, clays, coal, and all mineral substances of value; an examination and classification of the soils, and the study of their adaptability to particular crops; investigation and report upon the water supplies, artesian wells, the water power of the state, gauging the streams, etc., with reference to their application for irrigation and other purposes; an examination and report upon the occurrence of different road building material; an examination of the physical features of the state with reference to their practical bearing upon the occupations of the people; the preparation of special geological and economic maps to illustrate the resources of the state; the preparation of special reports with necessary illustrations and maps, which shall embrace both the general and detailed description of the geology and natural resources of the state, and the consideration of such other kindred scientific and economic questions as in the judgment of the director shall be deemed of value to the people of the state.

43.92.030 Report to legislature. The director of conservation shall cause to be prepared a report to the legislature before each regular session, showing the progress and condition of the survey, together with such other information as he may deem necessary and useful or as the legislature may require.

43.92.040 Printing and distribution of reports. The regular and special reports of the survey with proper illustrations and maps,

shall be printed as the director may direct, and the reports shall be distributed or sold by him as the interests of the state and of science demand; and all money obtained by the sale of reports shall be paid into the state treasury.

43.92.050 Materials distributed to schools. All materials collected after having served the purpose of the survey shall be distributed by the director to the University of Washington, Washington State University, the Colleges of Education, and the leading high schools of the state in such a manner as to be of the greatest advantage to the educational interests of the state.

43.92.060 Cooperation with federal geological survey. The director may make provisions for topographic, geologic, and hydrographic surveys of the state in cooperation with the United States geological survey in such manner as in his opinion will be of the greatest benefit to the agricultural, industrial, and geological requirements of the state: *Provided*, That the director of the United States geological survey agrees to expend on the part of the United States upon such surveys a sum equal to that expended by the state.

43.92.070 Topographic map—Stream measurements. In order to complete the topographic map of the state and for the purpose of making more extensive stream measurements, and otherwise investigating and determining the water supply of the state, the director may enter into such agreements with the director of the United States geological survey as will insure that the surveys and investigations be carried on in the most economical manner, and that the maps and data be available for the use of the public as quickly as possible.

43.92.080 Entry on lands authorized. In order to carry out the purposes of this chapter all persons employed hereunder are authorized to enter and cross all land within the state doing thereby no damage to private property.

Chapter 43.97

COLUMBIA RIVER GORGE COMMISSION

43.97.010 Definition. As used in this chapter unless the context requires otherwise, "commission" means the Columbia River Gorge commission.

43.97.020 Commission created. There is hereby created a non-partisan and nonsalaried commission to be known as the Columbia River Gorge commission consisting of three members who are resi-

dents of Skamania, Klickitat and Clark counties respectively, to be appointed by the governor for six year terms and who shall be removable at his pleasure. The term of office shall commence January 1st of the year of appointment; provided the first members shall be appointed, one for two years, one for four years, and one for six years. Vacancies shall be filled for the unexpired term in the same manner as other appointments are made.

43.97.030 Purposes—Comprehensive plan. For the purpose of preserving, developing and protecting, the recreational, scenic and historic areas of the Columbia River Gorge, the commission is directed to prepare a comprehensive plan including boundaries for the proposed conservation area, proposed acquisition and administration of land, proposed zoning, regulations and other features necessary to accomplish the transition of the Columbia River Gorge to a state recreational area. Said plan shall first be submitted to the governor for his consideration and approval.

43.97.040 Powers and duties. The commission shall have the following duties and powers:

(1) To acquire land in the name of the state by purchase, exchange, transfer, gift, or devise.

(2) To make expenditures, from available funds, for the development, protection and maintenance of land and property under its control.

(3) To enter into such contracts as are necessary to carry out the provisions of this chapter.

(4) To cooperate with other agencies and political subdivisions of the state, the state of Oregon, the federal government, private organizations and individuals to the extent necessary to carry out the provisions of this chapter.

(5) To receive any gifts, either inter vivos or testamentary in character.

43.97.050 Columbia River Gorge commission account—Disposition. All moneys, from whatever sources, including moneys received by gift, bequest or contribution, shall be paid into the state treasury for deposit to the Columbia River Gorge commission account. The expenditures of the commission shall be made from this account upon vouchers approved by the commission: *Provided*, That moneys received from gifts may be expended in accordance with the terms thereof.

Chapter 43.98**OUTDOOR RECREATIONAL FACILITIES**

43.98.010 General obligation bonds authorized. For the purpose of providing funds for the development of outdoor recreational facilities in the state, the state finance committee is hereby authorized to issue, at any time prior to January 1, 1970, general obligation bonds of the state of Washington in the sum of ten million dollars, or so much thereof as shall be required to finance the program for which these bonds are being authorized: *Provided*, That funds realized from the sale of such bonds shall be used solely for the acquisition of land and attached appurtenances and such property shall be for outdoor recreational use.

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.

43.98.020 Disposition of proceeds of sale. The proceeds from the sale of the bonds authorized herein shall be deposited in the parks and parkways account of the general fund or such other account or fund as shall be established for this purpose. Any agency or commission charged with the administration of the account or fund is authorized to use or permit the use of any funds derived from the sale of bonds authorized under this chapter as matching funds in any case where federal or other funds are made available on a matching basis for projects within the purposes of this chapter.

43.98.030 Bonds payable from proceeds of corporation fees. The bonds issued under the provisions of this chapter shall be payable from the proceeds of one-half of the corporation fees collected under all the provisions of chapter 70, Laws of 1937, as now or hereafter amended. The bonds and interest shall, so long as any portion thereof remains unpaid, constitute a prior and exclusive claim, subject only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued, upon that portion of the corporation fees so collected.

43.98.040 Outdoor recreational bond redemption fund. The outdoor recreational bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the

payment of interest on and retirement of the bonds authorized by this chapter.

43.98.050 Remedies of bondholders. The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

43.98.060 Legislature may provide additional means of support. The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and this chapter shall not be deemed to provide an exclusive method for such payment.

43.98.070 Bonds legal investment for funds of state and municipal corporations. 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.

43.98.090 Consent of world fair bondholders prerequisite to issuance of bonds authorized by this chapter. No bonds authorized by this chapter shall be issued until there shall first be obtained and filed in the office of the state finance committee the written consent of the holders of all outstanding bonds issued under authority of chapter 174, Laws of 1957, as amended by chapter 152, Laws of 1961, to the changes effected by this chapter and the 1963 amendments of RCW 43.31.620 and 43.31.740 in the order of priority of payment of said world fair bonds out of the proceeds of the corporation fees collected under chapter 70, Laws of 1937 as amended.

Chapter 43.198

CONSTRUCTION

43.198.010 Continuation of existing law. The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. Nothing in this 1965 reenactment of this title shall be construed as authorizing any new bond issues or new or additional appropriations of moneys but the bond issue authorizations herein contained shall be construed only as continuations of bond issues authorized by prior laws herein repealed and reenacted, and the appropriations of moneys herein contained are continued herein for historical purposes only and this act shall not be construed as a reappropriation thereof and no appropriation contained herein shall be deemed to be extended or revived hereby

and such appropriation shall lapse or shall have lapsed in accordance with the original enactment.

43.198.020 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

43.198.030 Invalidity of part of title not to affect remainder. If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

43.198.040 Repeals and saving. The following acts or parts of acts are hereby repealed:

- (1) Sections 1 through 18, pages 409-412, Laws of 1854;
- (2) Sections 1 through 9, pages 413, 414, Laws of 1854;
- (3) Sections 1 through 20, pages 45-51, Laws of 1863-1864;
- (4) Sections 1 through 12, pages 51-54, Laws of 1863-1864;
- (5) Sections 1 through 3, page 37, Laws of 1864-1865;
- (6) Sections 1 and 2 of "AN ACT Relating to territorial warrants", page 408, Laws of 1869;
- (7) Sections 1 through 12, pages 76-79, Laws of 1871;
- (8) Sections 1 through 9, pages 96-98, Laws of 1871;
- (9) Sections 1 through 4, pages 128-129, Laws of 1879;
- (10) Sections 2367, 2566 through 2587, Code of 1881;
- (11) Sections 1 through 3, page 61, Laws of 1883;
- (12) Sections 1 through 13, pages 133-136, Laws of 1885-1886;
- (13) Sections 1 through 9, chapter 7, Laws of 1887-1888;
- (14) Sections 1 through 4, chapter 129, Laws of 1887-1888;
- (15) Sections 1 through 7, chapter 20, pages 627-629, Laws of 1889-1890;
- (16) Sections 1, 2, 10, 11, and 12, chapter 20, pages 629-634, Laws of 1889-1890;
- (17) Sections 1 through 25, chapter 20, pages 634-641, Laws of 1889-1890;
- (18) Sections 1 through 13, chapter 20, pages 642-645, Laws of 1889-1890;
- (19) Sections 1 through 7, chapter 20, pages 645-647, Laws of 1889-1890;
- (20) Sections 1 through 12, chapter 20, pages 647-651, Laws of 1889-1890;
- (21) Section 2, chapter 55, Laws of 1891;
- (22) Section 1, chapter 82, Laws of 1891;
- (23) Sections 2 through 7, 9 through 15, chapter 98, Laws of 1891;
- (24) Chapter 138, Laws of 1891;
- (25) Chapter 101, Laws of 1893;

- (26) Chapter 85, Laws of 1895;
- (27) Chapter 98, Laws of 1895;
- (28) Chapter 141, Laws of 1895;
- (29) Chapter 29, Laws of 1897;
- (30) Chapter 44, Laws of 1899;
- (31) Sections 1 through 5, 7 and 8, chapter 74, Laws of 1901;
- (32) Section 4, chapter 81, Laws of 1901;
- (33) Section 1, chapter 116, Laws of 1901;
- (34) Chapter 165, Laws of 1901;
- (35) Chapter 179, Laws of 1901;
- (36) Chapter 75, Laws of 1903;
- (37) Chapter 95, Laws of 1903;
- (38) Chapter 107, Laws of 1903;
- (39) Chapter 157, Laws of 1903;
- (40) Chapter 43, Laws of 1905;
- (41) Chapter 59, Laws of 1905;
- (42) Chapter 99, Laws of 1905;
- (43) Chapter 168, Laws of 1905;
- (44) Chapter 8, Laws of 1907;
- (45) Chapter 12, Laws of 1907;
- (46) Chapter 37, Laws of 1907;
- (47) Sections 1, 17, and 20, chapter 83, Laws of 1907;
- (48) Chapter 94, Laws of 1907;
- (49) Chapter 96, Laws of 1907;
- (50) Section 1, chapter 168, Laws of 1907;
- (51) Chapter 174, Laws of 1907;
- (52) Sections 14 through 19, chapter 29, Laws of 1909;
- (53) Chapter 43, Laws of 1909;
- (54) Section 1, chapter 69, Laws of 1909;
- (55) Sections 1 through 8, 10, and 11, chapter 76, Laws of 1909;
- (56) Chapter 133, Laws of 1909;
- (57) Chapter 151, Laws of 1909;
- (58) Section 2, chapter 208, Laws of 1909;
- (59) Chapter 245, Laws of 1909;
- (60) Chapter 22, Laws of 1909 extraordinary session;
- (61) Chapter 30, Laws of 1911;
- (62) Chapter 51, Laws of 1911;
- (63) Sections 6 and 10, chapter 60, Laws of 1913;
- (64) Chapter 113, Laws of 1913;
- (65) Chapter 15, Laws of 1915;
- (66) Section 2, chapter 27, Laws of 1915;
- (67) Sections 2 and 7, chapter 66, Laws of 1915;
- (68) Chapter 73, Laws of 1915;
- (69) Chapter 75, Laws of 1915;
- (70) Section 7, chapter 169, Laws of 1915;

- (71) Sections 9 and 11, chapter 180, Laws of 1915;
- (72) Section 1, chapter 11, Laws of 1917;
- (73) Sections 2 through 10, chapter 36, Laws of 1917;
- (74) Sections 2, 3, 4, 9, 11, and 13, chapter 80, Laws of 1917;
- (75) Section 8, chapter 117, Laws of 1917;
- (76) Chapter 129, Laws of 1917;
- (77) Chapter 37, Laws of 1919;
- (78) Chapter 80, Laws of 1919;
- (79) Chapter 118, Laws of 1919;
- (80) Chapter 119, Laws of 1919;
- (81) Chapter 124, Laws of 1919;
- (82) Chapter 126, Laws of 1919;
- (83) Section 1, chapter 201, Laws of 1919;
- (84) Sections 2, 3, and 6, chapter 209, Laws of 1919;
- (85) Sections 2, 3, 4, 6, 8, 10, 14, 15, 16, 18, 19, 20, 31, 37, 42, 47, 56 through 59, 61, 63, 64, 66, 69, 70, 72 through 106, 118, 121, 128, 133 and 134, chapter 7, Laws of 1921;
- (86) Chapter 28, Laws of 1921;
- (87) Chapter 36, Laws of 1921;
- (88) Chapter 49, Laws of 1921;
- (89) Chapter 81, Laws of 1921;
- (90) Chapter 119, Laws of 1921;
- (91) Chapter 149, Laws of 1921;
- (92) Chapter 109, Laws of 1923;
- (93) Chapter 127, Laws of 1923;
- (94) Sections 1 and 2, chapter 154, Laws of 1923;
- (95) Chapter 157, Laws of 1923;
- (96) Chapter 9, Laws of 1925;
- (97) Chapter 90, Laws of 1925 extraordinary session;
- (98) Chapter 92, Laws of 1925 extraordinary session;
- (99) Chapter 163, Laws of 1925 extraordinary session;
- (100) Chapter 77, Laws of 1927;
- (101) Chapter 183, Laws of 1927;
- (102) Section 2, chapter 288, Laws of 1927;
- (103) Chapter 304, Laws of 1927;
- (104) Sections 1 through 6, chapter 306, Laws of 1927;
- (105) Chapter 68, Laws of 1929;
- (106) Chapter 83, Laws of 1929;
- (107) Chapter 92, Laws of 1929;
- (108) Chapter 115, Laws of 1929;
- (109) Chapter 148, Laws of 1929;
- (110) Chapter 161, Laws of 1929;
- (111) Chapter 162, Laws of 1929;
- (112) Sections 1 and 2, chapter 87, Laws of 1931;
- (113) Section 3, chapter 132, Laws of 1931;

- (114) Sections 1 and 2, chapter 3, Laws of 1933;
- (115) Chapter 25, Laws of 1933;
- (116) Chapter 47, Laws of 1933;
- (117) Chapter 81, Laws of 1933;
- (118) Sections 3 and 4, chapter 97, Laws of 1933;
- (119) Section 1, chapter 118, Laws of 1933;
- (120) Chapter 126, Laws of 1933;
- (121) Chapter 34, Laws of 1933 extraordinary session;
- (122) Sections 3 and 4, chapter 54, Laws of 1933 extraordinary session;
- (123) Chapter 60, Laws of 1935;
- (124) Section 1, chapter 63, Laws of 1935;
- (125) Section 1, chapter 71, Laws of 1935;
- (126) Chapter 76, Laws of 1935;
- (127) Chapter 91, Laws of 1935;
- (128) Chapter 130, Laws of 1935;
- (129) Chapter 132, Laws of 1935;
- (130) Chapter 139, Laws of 1935;
- (131) Chapter 142, Laws of 1935;
- (132) Chapter 176, Laws of 1935;
- (133) Chapter 88, Laws of 1937;
- (134) Section 10, chapter 90, Laws of 1937;
- (135) Section 1, chapter 111, Laws of 1937;
- (136) Section 7, chapter 114, Laws of 1937;
- (137) Chapter 139, Laws of 1937;
- (138) Section 2, chapter 168, Laws of 1937;
- (139) Chapter 224, Laws of 1937;
- (140) Chapter 120, Laws of 1939;
- (141) Chapter 146, Laws of 1939;
- (142) Chapter 226, Laws of 1939;
- (143) Chapter 50, Laws of 1941;
- (144) Chapter 129, Laws of 1941;
- (145) Chapter 196, Laws of 1941;
- (146) Section 2, chapter 204, Laws of 1941;
- (147) Chapter 228, Laws of 1941;
- (148) Chapter 30, Laws of 1943;
- (149) Chapter 56, Laws of 1943;
- (150) Chapter 86, Laws of 1943;
- (151) Chapter 108, Laws of 1943;
- (152) Chapter 124, Laws of 1943;
- (153) Chapter 128, Laws of 1943;
- (154) Chapter 134, Laws of 1943;
- (155) Chapter 160, Laws of 1943;
- (156) Chapter 205, Laws of 1943;
- (157) Chapter 215, Laws of 1943;

- (158) Chapter 217, Laws of 1943;
- (159) Chapter 225, Laws of 1943;
- (160) Chapter 283, Laws of 1943;
- (161) Chapter 36, Laws of 1945;
- (162) Chapter 71, Laws of 1945;
- (163) Chapter 112, Laws of 1945;
- (164) Chapter 116, Laws of 1945;
- (165) Chapter 123, Laws of 1945;
- (166) Chapter 129, Laws of 1945;
- (167) Chapter 158, Laws of 1945;
- (168) Section 1, chapter 173, Laws of 1945;
- (169) Section 93, chapter 235, Laws of 1945;
- (170) Chapter 243, Laws of 1945;
- (171) Chapter 262, Laws of 1945;
- (172) Chapter 32, Laws of 1947;
- (173) Chapter 51, Laws of 1947;
- (174) Chapter 107, Laws of 1947;
- (175) Chapter 110, Laws of 1947;
- (176) Chapter 114, Laws of 1947;
- (177) Chapter 143, Laws of 1947;
- (178) Section 1, chapter 166, Laws of 1947;
- (179) Chapter 174, Laws of 1947;
- (180) Chapter 250, Laws of 1947;
- (181) Chapter 261, Laws of 1947;
- (182) Chapter 271, Laws of 1947;
- (183) Chapter 10, Laws of 1949;
- (184) Chapter 17, Laws of 1949;
- (185) Chapter 60, Laws of 1949;
- (186) Chapter 62, Laws of 1949;
- (187) Chapter 111, Laws of 1949;
- (188) Chapter 154, Laws of 1949;
- (189) Chapter 165, Laws of 1949;
- (190) Chapter 192, Laws of 1949;
- (191) Section 5, chapter 227, Laws of 1949;
- (192) Sections 1 through 4, chapter 57, Laws of 1951;
- (193) Chapter 96, Laws of 1951;
- (194) Chapter 99, Laws of 1951;
- (195) Sections 1 and 3, chapter 106, Laws of 1951;
- (196) Chapter 113, Laws of 1951;
- (197) Chapter 131, Laws of 1951;
- (198) Chapter 140, Laws of 1951;
- (199) Chapter 151, Laws of 1951;
- (200) Chapter 170, Laws of 1951;
- (201) Chapter 232, Laws of 1951;
- (202) Sections 16 through 37, chapter 247, Laws of 1951;

- (203) Section 1, chapter 39, Laws of 1953;
- (204) Chapter 47, Laws of 1953;
- (205) Chapter 56, Laws of 1953;
- (206) Chapter 64, Laws of 1953;
- (207) Section 1, chapter 90, Laws of 1953;
- (208) Chapter 105, Laws of 1953;
- (209) Chapter 130, Laws of 1953;
- (210) Sections 1 and 2, chapter 174, Laws of 1953;
- (211) Sections 1 and 3, chapter 184, Laws of 1953;
- (212) Chapter 259, Laws of 1953;
- (213) Chapter 262, Laws of 1953;
- (214) Chapter 281, Laws of 1953;
- (215) Chapter 287, Laws of 1953;
- (216) Chapter 16, Laws of 1955;
- (217) Chapter 78, Laws of 1955;
- (218) Chapter 87, Laws of 1955;
- (219) Chapter 91, Laws of 1955;
- (220) Chapter 140, Laws of 1955;
- (221) Chapter 173, Laws of 1955;
- (222) Chapter 192, Laws of 1955;
- (223) Chapter 197, Laws of 1955;
- (224) Chapter 198, Laws of 1955;
- (225) Chapter 200, Laws of 1955;
- (226) Chapter 222, Laws of 1955;
- (227) Chapter 224, Laws of 1955;
- (228) Chapter 226, Laws of 1955;
- (229) Chapter 244, Laws of 1955;
- (230) Chapter 258, Laws of 1955;
- (231) Sections 2 through 10, 12, 13, and 18, chapter 285, Laws of 1955;
- (232) Chapter 330, Laws of 1955;
- (233) Chapter 332, Laws of 1955;
- (234) Chapter 333, Laws of 1955;
- (235) Chapter 334, Laws of 1955;
- (236) Chapter 335, Laws of 1955;
- (237) Sections 1 through 6, and 12, chapter 340, Laws of 1955;
- (238) Chapter 370, Laws of 1955;
- (239) Chapter 391, Laws of 1955;
- (240) Chapter 12, Laws of 1955 extraordinary session;
- (241) Chapter 13, Laws of 1955 extraordinary session;
- (242) Chapter 20, Laws of 1957;
- (243) Chapter 38, Laws of 1957;
- (244) Sections 1, 2, 3, and 5, chapter 90, Laws of 1957;
- (245) Sections 2 and 6, chapter 115, Laws of 1957;
- (246) Chapter 162, Laws of 1957;

- (247) Chapter 174, Laws of 1957;
- (248) Sections 1 through 4, chapter 175, Laws of 1957;
- (249) Section 1, chapter 187, Laws of 1957;
- (250) Chapter 210, Laws of 1957;
- (251) Sections 1 through 23, 25, and 26, chapter 215, Laws of 1957;
- (252) Chapter 226, Laws of 1957;
- (253) Chapter 229, Laws of 1957;
- (254) Chapter 245, Laws of 1957;
- (255) Sections 3 through 19, chapter 275, Laws of 1957;
- (256) Chapter 284, Laws of 1957;
- (257) Chapter 291, Laws of 1957;
- (258) Chapter 295, Laws of 1957;
- (259) Chapter 8, Laws of 1959;
- (260) Chapter 74, Laws of 1959;
- (261) Chapter 88, Laws of 1959;
- (262) Section 3, chapter 91, Laws of 1959;
- (263) Chapter 115, Laws of 1959;
- (264) Chapter 150, Laws of 1959;
- (265) Chapter 171, Laws of 1959;
- (266) Chapter 178, Laws of 1959;
- (267) Chapter 194, Laws of 1959;
- (268) Chapter 215, Laws of 1959;
- (269) Chapter 228, Laws of 1959;
- (270) Chapter 238, Laws of 1959;
- (271) Sections 1 through 9, 10 through 15, chapter 255, Laws of 1959;
- (272) Section 45, chapter 257, Laws of 1959;
- (273) Section 5, chapter 263, Laws of 1959;
- (274) Section 6, chapter 273, Laws of 1959;
- (275) Sections 1, 2, and 4, chapter 301, Laws of 1959;
- (276) Chapter 313, Laws of 1959;
- (277) Chapter 317, Laws of 1959;
- (278) Chapter 328, Laws of 1959;
- (279) Chapter 9, Laws of 1959 extraordinary session;
- (280) Sections 31 and 32, chapter 1, Laws of 1961;
- (281) Chapter 19, Laws of 1961;
- (282) Chapter 93, Laws of 1961;
- (283) Sections 1 through 4, and 6 through 18, chapter 152, Laws of 1961;
- (284) Chapter 154, Laws of 1961;
- (285) Chapter 164, Laws of 1961;
- (286) Sections 1 and 2, chapter 170, Laws of 1961;
- (287) Chapter 184, Laws of 1961;
- (288) Chapter 215, Laws of 1961;

- (289) Chapter 220, Laws of 1961;
- (290) Section 11, chapter 281, Laws of 1961;
- (291) Sections 1 through 6, chapter 300, Laws of 1961;
- (292) Chapter 301, Laws of 1961;
- (293) Sections 1, 2, 3, 5, 6, 12, and 13, chapter 307, Laws of 1961;
- (294) Sections 1, 2, and 3, chapter 5, Laws of 1961 extraordinary session;
- (295) Section 3, chapter 11, Laws of 1961 extraordinary session;
- (296) Chapter 23, Laws of 1961 extraordinary session;
- (297) Chapter 141, Laws of 1963;
- (298) Chapter 160, Laws of 1963;
- (299) Chapter 161, Laws of 1963;
- (300) Chapter 175, Laws of 1963;
- (301) Chapter 209, Laws of 1963;
- (302) Sections 1 through 10, chapter 12, Laws of 1963 extraordinary session;
- (303) RCW 43.79.070, RCW 43.79.190, and RCW 43.79.200.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, resolution, ordinance, or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office, or appointment or employment of any person appointed or employed thereunder.

The repeal of said acts and parts of acts shall not be construed as reviving any former acts amended, superseded, or expressly or impliedly repealed thereby, nor as abrogating any savings clauses or other conditions contained in any repealer sections which are herein repealed, nor as abrogating any validations accomplished by any statutes herein repealed.

43.198.050 Emergency. 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 3, 1965.

Passed the House March 4, 1965.

Approved by the Governor March 5, 1965.

Explanatory
note.

Title 43

STATE GOVERNMENT—EXECUTIVE
EXPLANATORY NOTE

I. Introductory

As part of the program to restore session law language to the Revised Code of Washington, the code reviser's office and the codifications subcommittee of the Statute Law Committee have carefully examined the provisions of Title 43. Pursuant to such study it was determined that the confused statutory history of the subject matter contained therein, the statutory devolution of powers, duties and functions from one agency to another without express amendments to preexisting statutes, and the division and combining of session law sections by the 1941 Code Committee, have all combined to make any general restoration of the session law text an impossibility. In view of the foregoing and in view of the fact that the present RCW Title 43 has been in use for a period of fourteen years, the codifications subcommittee of the Statute Law Committee, after submitting pertinent portions of the study and work materials relating to this title to the department of natural resources, the department of general administration, the department of commerce and economic development, the department of conservation, the department of licenses, the department of labor and industries, the department of fisheries, the department of institutions, the department of health, the public printer, the attorney general, the state auditor, the state treasurer, the director of budget, the University of Washington, Washington State University, and the State Colleges of Education, and conferring with such representatives thereof as attended the meetings held for the purpose of considering the provisions hereof, herewith presents for enactment as primary law the provisions of RCW Title 43, incorporating therein such restorations and corrections as may be made without changing the substance of the law.

Except as otherwise noted, the translations of the term "this act" into "this chapter", and other similar translations which appear in the 1941 revision, have been accepted without comment.

The remainder of these notes consist of source notes and a section by section comment regarding this reenactment. The chapters and sections presently codified in Title 43 that are omitted from the bill are duly commented upon in the section by section comment. The complete study materials relating to this title are on permanent file in the office of the code reviser, at Olympia.

II. Section Comment

Chapter 43.01 General Provisions

- 43.01.010 Source—[1891 c 82 § 1; RRS § 10980.]
 43.01.020 Source—[1909 c 43 § 1; RRS § 10981.]
 43.01.030 Source—[1929 c 161 § 1; RRS § 10973-1.]
 43.01.035 Source—[1953 c 184 § 3.]
 The transitory language contained in the two provisos eliminated as temporary.
 43.01.040 Source—[1955 c 140 § 1; 1921 c 7 § 133; RRS § 10891.]
 43.01.041 Source—[1955 c 140 § 2.]
 43.01.042 Source—[1955 c 140 § 3.]
 43.01.043 Source—[1955 c 140 § 4.]
 43.01.050 Source—[1909 c 133 § 1, part; 1907 c 96 § 1, part; RRS § 5501, part.]
 "state auditor" to "budget director" in first paragraph due to devolution of powers and administrative practice under the budget and accounting act.
 43.01.060 Source—[1907 c 96 § 2; RRS § 5502.]
 43.01.070 Source—[1907 c 96 § 3; RRS § 5503.]
 43.01.072 Source—[1955 c 224 § 1.]

- 43.01.073 Source—[1955 c 224 § 2.]
 “state auditor” changed to “state treasurer” in keeping with the devolution of warrant issuance responsibility from the state auditor to the state treasurer under the budget and accounting act. Explanatory note.
- 43.01.074 Source—[1955 c 224 § 3.]
 “state auditor” changed to “state treasurer” in keeping with the devolution of warrant issuance responsibility from the state auditor to the state treasurer under the budget and accounting act.
- 43.01.075 Source—[1955 c 224 § 4.]
- 43.01.080 Source—[(1) 1941 c 50 § 2; Rem. Supp. 1941 § 11034-4. (ii) 1941 c 50 § 4; Rem. Supp. 1941 § 11034-6.]
 Recodified as RCW 43.10.067.
- 43.01.090 Source—[(1) 1951 c 131 § 1; 1941 c 228 § 1; Rem. Supp. 1941 § 10964-30. (ii) 1951 c 131 § 1; 1941 c 228 § 2; Rem. Supp. 1941 § 10964-31.]
 Director of “public institutions” changed to director of “general administration” as the powers and duties of the former director of public institutions relating to housing of state agencies were repealed by 1955 c 195 § 3 and the director of general administration was vested with such powers and duties by virtue of 1955 c 285 § 9 (later amended by 1959 c 301 § 2) and 1959 c 255 § 1 (later amended by 1961 c 184 § 1), (RCW 43.82.010).
- 43.01.100 Source—[1955 c 87 § 1.]
- 43.01.110 Source—[1955 c 87 § 2.]

Chapter 43.03 Salaries and Expenses

- 43.03.010 Source—[1961 c 5 § 1; 1959 c 316 § 1; 1949 c 48 § 1; Rem. Supp. 1949 § 10965-1. Prior: 1947 c 79 § .02.04; 1945 c 116 § 1; 1939 c 226 § 1; 1925 ex.s. c 163 § 1; 1925 ex.s. c 90 § 1; 1923 c 109 § 1; 1919 c 124 §§ 1, 2; 1907 c 94 § 1.]
- 43.03.020 Source—[1919 c 118 § 1. RRS § 10979.]
- 43.03.028 Source—[1961 c 307 § 1; 1955 c 340 § 1.]
- 43.03.030 Source—[(1) 1921 c 49 § 1; RRS § 10896. (ii) 1933 c 47 § 1; RRS § 10976-1.]
 “section” to “subsection” in last phrase of subsection (1) to restore legislative intent as code section is a composite of two session law sections.
- 43.03.040 Source—[1961 c 307 § 2; 1955 c 340 § 2; 1949 c 111 § 1; 1937 c 224 § 1; Rem. Supp. 1949 § 10776-1.]
- 43.03.050 Source—[1961 c 220 § 1; 1959 c 194 § 1; 1953 c 259 § 1; 1949 c 17 § 1; 1943 c 86 § 1; Rem. Supp. 1949 § 10981-1.]
- 43.03.060 Source—[1949 c 17 § 2; 1943 c 86 § 2; Rem. Supp. 1949 § 10981-2.]
- 43.03.070 Source—[(1) 1943 c 86 § 3; Rem. Supp. 1943 § 10981-3. (ii) 1943 c 86 § 4; Rem. Supp. 1943 § 10981-4.]
 Repealed and not reenacted as superseded by the budget and accounting act (1959 c 328; chapter 43.88 RCW). Under RCW 43.88.160(2) the agency head authenticates and certifies on forms prescribed by the budget director that the services have been rendered. The instant section is part of a pre-audit function which became an agency responsibility under the budget and accounting act.
- 43.03.080 Source—[1951 c 99 § 1; 1937 c 139 § 1; RRS § 10890-1.]
- 43.03.090 Source—[1937 c 139 § 2; RRS § 10890-2.]
- 43.03.100 Source—[1937 c 139 § 3; RRS § 10890-3.]
- 43.03.110 Source—[1943 c 128 § 1; Rem. Supp. 1943 § 9948-1.]

Chapter 43.06 Governor

- 43.06.010 Source—[1890 p 627 § 1; RRS § 10982.]
- 43.06.015 Source—[1953 c 47 § 1.]

Explanatory note.	43.06.020	Source—[1921 c 28 § 1; 1890 p 628 § 2; RRS § 10983.]
	43.06.030	Source—[1890 p 629 § 3; RRS § 10984.]
	43.06.040	Source—[1890 p 629 § 6; RRS § 10985.]
	43.06.050	Source—[1890 p 629 § 4; RRS § 10986.]
	43.06.060	Source—[1881 p 45 §§ 1-3; Code 1881 § 2367; RRS § 10988.]
	43.06.070	Source—[1893 c 101 § 1; RRS § 10988.]
	43.06.080	Source—[1893 c 101 § 2; RRS § 10989.]
	43.06.090	Source—[1893 c 101 § 3; RRS § 10990.]
	43.06.100	Source—[1949 c 10 § 1; Rem. Supp. 1949 § 10982-1.]

Chapter 43.07 Secretary of State

43.07.010	Source—[1890 p 633 § 10; RRS § 10994.]
43.07.020	Source—[1947 c 107 § 1; 1903 c 75 § 1; 1890 p 633 § 12; RRS § 10995.]
43.07.030	Source—[1890 p 630 § 2; RRS § 10992.]
43.07.040	Source—[1903 c 107 § 1; 1890 p 629 § 1; RRS § 10991.]
43.07.050	Source—[1895 c 85 § 1; RRS § 10933.]
43.07.060	Source—[1895 c 85 § 2; RRS § 10934.]
43.07.070	Source—[1895 c 85 § 3; RRS § 10935.]
43.07.080	Source—[1895 c 85 § 4; RRS § 10936.]
43.07.090	Source—[1895 c 85 § 5; RRS § 10937.]
43.07.100	Source—[1895 c 85 § 6; RRS § 10938.]
43.07.110	Source—[1895 c 85 § 7; RRS § 10939.]
43.07.120	Source—[1959 c 263 § 5; 1907 c 56 § 1; 1903 c 151 § 1; 1893 c 130 § 1; RRS § 10993.]

Chapter 43.08 State Treasurer

The fiscal responsibilities of the state treasurer were considerably changed by the state budget and accounting act passed in 1959. (1959 c 328 codified as chapter 43.88 RCW). The most pertinent portion of that act as it pertains to the state treasurer reads as follows:

(RCW 43.88.160(2))

“(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 budget director. 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 and the treasurer shall not be liable under his surety bond for erroneous or improper payments so made. 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.”

In construing the effect of the 1959 act on earlier legislation our court in *Yelle v. Bishop*, 55 Wn. (2d) 286, 301, 347 P. (2d) 1081 stated: “The legislature sought by chapter 328 to create a complete system for carrying out a specific governmental function. This is decisive of the legislative intent to make the later enactment the law on the subject

and earlier legislation is necessarily repealed by implication." Thus the various sections of this chapter have been edited to reflect these changes. Explanatory note.

- 43.08.010 Source—[1890 p 642 § 1; RRS § 11019. Prior: 1886 p 134 § 2; 1871 p 77 § 2; 1864 p 52 § 3; 1854 p 413 § 3.]
 "(1) Receive and keep all moneys of the state not expressly required by law to be received and kept by some other persons;" to "(1) Receive and keep all moneys of the state in the manner provided in RCW 43.88.160, as now or hereafter amended;"
 "(2) Disburse the public moneys only upon warrants drawn upon the treasurer by the state auditor in the order of their number, date, and issue;" to "(2) Disburse the public moneys only upon warrants or checks drawn upon the treasurer in the manner provided by law;"
 "(3) Keep a just, true, and comprehensive account of all moneys received and disbursed; (4) Keep a just and true account of each appropriation made by law, and the disbursements under it;" to "(3) Account for moneys in the manner provided by law;"
 "(5) Render his accounts to the state auditor in detail, for settlement quarterly, on the thirty-first day of March, thirtieth day of June, thirtieth day of September, and thirty-first day of December, of each year, or oftener if required;" to "(4) Render accounts in the manner provided by law;"
 "(6) Indorse on each warrant the date of payment, the amount of the principal, and the interest due on that date;" to "(5) Indorse on each warrant when required by law, the date of payment, the amount of the principal, and the interest due on that date;"
 "(7) Report to each house of the legislature, within ten days after the commencement of each regular session, a detailed statement of the condition of the treasury, and of its operations for the preceding year;" to "(6) Report to each house of the legislature, within ten days after the commencement of each regular session, a detailed statement of the condition of the treasury, and of its operations for the preceding fiscal year;"
 "(8)" and "(9)" renumbered "(7)" and "(8)".
 "(10) Upon payment of any warrant, take upon the back thereof the signature of the person to whom it is paid, and return it to the auditor with his quarterly statement." to "(9) Upon payment of any warrant or check, take upon the back thereof the indorsement of the person to whom it is paid."
- 43.08.020 Source—[1890 p 642 § 2; RRS § 11022. Prior: 1886 p 133 § 1; 1881 p 18 § 1; 1871 p 76 § 1; 1864 p 51 § 2; 1854 p 413 § 2.]
- 43.08.030 Source—[1890 p 643 § 6; RRS § 11025. Prior: 1886 p 135 § 6; 1871 p 78 § 6; 1864 p 53 § 7; 1854 p 414 § 7.]
- 43.08.040 Source—[1890 p 643 § 5; RRS § 11024. Prior: 1886 p 135 § 5; 1871 p 78 § 5; 1864 p 53 § 6; 1854 p 414 § 6.]
- 43.08.050 Source—[1890 p 643 § 3; RRS § 11023. Prior: 1886 p 134 § 3; 1864 p 53 § 4; 1854 p 414 § 4.]
- 43.08.060 Source—[1890 p 643 § 4; RRS § 5504. Prior: 1886 p 134 § 4; 1871 p 78 § 4; 1864 p 53 § 5; 1854 p 414 § 5.]
 "state auditor" to "budget director" in two places.
- 43.08.062 Source—[1890 p 638 § 13; RRS § 11008. Prior: 1883 p 61 § 1.]
 Formerly 43.09.100.
 "auditor" to "treasurer"
 "and notify the state treasurer of such cancellation" deleted from end of second paragraph.

- Explanatory note.
- 43.08.064 Source—[1890 p 639 § 15; RRS § 11010. Prior: 1888 p 236 § 1.] Formerly 43.09.110.
“auditor” to “treasurer”.
“43.09.100” to “43.08.062”.
 - 43.08.066 Source—[1890 p 639 § 16; RRS § 11011. Prior: 1888 p 236 § 2.] Formerly 43.09.120.
“auditor” to “treasurer”
 - 43.08.068 Source—[1890 p 640 § 17; RRS § 11012. Prior: 1888 p 236 § 3.] Formerly 43.09.130.
“auditor” to “treasurer”
“and immediately notify the state treasurer of such cancellation” deleted at end of paragraph.
 - 43.08.070 Source—[1869 p 408 § 2; RRS § 5516.]
 - 43.08.080 Source—[1890 p 644 § 8; RRS § 5517. Prior: 1886 p 135 § 9; 1871 p 79 § 9.]
 - 43.08.090 Source—[1891 c 138 § 1; RRS § 5484.]
 - 43.08.100 Source—[(1) 1891 c 138 § 2; RRS § 5485. (ii) 1891 c 138 § 4; RRS § 5487.]
 - 43.08.110 Source—[1891 c 138 § 3; RRS § 5486.]
“state auditor” to “budget director” in last line.
 - 43.08.120 Source—[1921 c 36 § 1; RRS § 11020.]
 - 43.08.130 Source—[1890 p 644 § 7; RRS § 11026. Prior: 1886 p 135 § 8; 1871 p 78 § 8; 1864 p 53 § 8; 1854 p 414 § 8.]
“If the state treasurer wilfully refuses to pay any warrant lawfully drawn upon him or knowingly pays any warrant out of the order of its number, date, and issue” to “If the state treasurer wilfully refuses to pay any warrant lawfully drawn upon him or knowingly pays any warrant otherwise than as provided by law” as the administrative practice under the budget and accounting act is not to issue all warrants by number, date, and issue. Payment of interest bearing warrants is covered by RCW 39.56.010.
 - 43.08.140 Source—[1890 p 644 § 10; RRS § 11027. Prior: 1886 p 105 § 11.]
 - 43.08.150 Source—[1947 c 32 § 1; Rem. Supp. 1947 § 11019-1.]
Last sentence deleted as the state auditor no longer approves vouchers for salaries or expenses of state officers.
 - 43.08.160 Source—[1947 c 32 § 2; Rem. Supp. 1947 § 11019-2.]
 - 43.08.170 Source—[1886 p 135 § 7; RRS § 11029.]
Repealed and will not be reenacted as obsolete.

Chapter 43.09 State Auditor

The fiscal responsibilities of the state auditor were considerably changed by the state budget and accounting act (1959 c 328 codified as chapter 43.88 RCW). *Yelle v. Bishop*, 55 Wn. (2d) 286, 301, 347 P. (2d) 1081 states that “The legislature sought by chapter 328 to create a complete system for carrying out a specific governmental function. This is decisive of the legislative intent to make the later enactment the law on the subject and earlier legislation is necessarily repealed by implication.”

Thus the various sections of this chapter have been edited to reflect these changes.

- 43.09.010 Source—[1890 p 634 § 1; RRS § 10996. Prior: Code 1881 § 2566; 1871 p 96 § 1; 1854 p 409 § 2.]
- 43.09.020 Source—[1890 p 635 § 2; RRS § 10997. Prior: Code 1881 § 2567; 1871 p 97 § 4; 1854 p 409 § 3.]
First paragraph changed in light of 43.88.160 (1) of the budget and accounting act which provides in part as follows: “The governor, through his budget director, 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." Explanatory
The revision is the language of Article 3, section 20 of the note.
state Constitution.
- 43.09.030 Source—[1909 ex.s. c 22 § 1; RRS § 10998.]
- 43.09.040 Source—[1949 c 62 § 1; 1890 p 635 § 3; Rem. Supp. 1949 § 10999.
Prior: Code 1881 § 2568.]
- 43.09.050 Source—[1890 p 636 § 5; RRS § 11001. Prior: Code 1881 § 2570;
1854 p 410 § 5.]
Subdivisions (2), (3), and (4) deleted as warrant issuing duties
devolved to state treasurer under the budget and accounting
act (chapter 43.88 RCW). Subdivision (5) renumbered subdivi-
sion (2) and retained for exercise of post-audit duties.
Subdivision (6) deleted as obsolete and no longer followed
administratively.
Subdivision (7) renumbered subdivision (3).
Subdivisions (8) and (9) deleted as these pre-audit duties no
longer exercised by the state auditor under the budget and
accounting act (chapter 43.88 RCW).
Subdivisions (10) and (11) renumbered subdivisions (4) and
(5).
Subdivision (12) deleted as this pre-audit duty no longer exer-
cised under the budget and accounting act (chapter 43.88
RCW).
Subdivisions (13) and (14) renumbered subdivisions (6) and
(7).
Subdivision (15) deleted as warrant issuing duties devolved
to state treasurer under budget and accounting act (chapter
43.88 RCW).
Subdivision (16) renumbered subdivision (8) and language "all
drafts and warrants drawn by him, and all copies of" deleted
as warrant issuing duties devolved to state treasurer under
the budget and accounting act (chapter 43.88 RCW).
Subdivision (17) renumbered subdivision (9).
- 43.09.060 Source—[1890 p 635 § 4; RRS § 11000. Prior: Code 1881 § 2569;
1854 p 409 § 4.]
Repealed and not reenacted as the official report of the auditor
to the legislature is now covered by 43.88.160(3) (c).
- 43.09.070 Source—[1890 p 640 § 20; RRS § 11015. Prior: Code 1881 § 2581;
1854 p 412 § 11.]
Repealed and not reenacted as this section was held to be
impliedly repealed by the budget and accounting act in *State
v. Martin*, 63 Wn. (2d) 126, at page 136.
- 43.09.080 Source—[1890 p 637 § 6; RRS § 11002. Prior: Code 1881 § 2572;
1871 p 97 § 3.]
Repealed and not reenacted as the warrant issuing function
of the state auditor devolved to the state treasurer under the
budget and accounting act (43.88.210(1)) and the pre-auditing
of disbursements became an agency responsibility (43.88-
.160(2)).
- 43.09.090 Source—[1957 c 20 § 1; 1915 c 73 § 1; 1895 c 98 § 1; RRS § 5514.]
The first portion of this section down to the beginning of
the first proviso deleted as the warrant issuing duty devolved
to the state treasurer under the budget and accounting act
and warrants are issued pursuant to 43.88.160(2).
"auditor" to "treasurer" as the duty to make advances de-
veloped from the auditor to the treasurer under the budget and
accounting act.
- 43.09.100 Source—[1890 p 638 § 13; RRS § 11008. Prior: 1883 p 61 § 1.]
Recodified as 43.08.062 as warrant issuing duties devolved to
state treasurer.
See notes to 43.08.062.

- Explanatory note.
- 43.09.110 Source—[1890 p 639 § 15; RRS § 11010. Prior: 1888 p 236 § 1.]
Recodified as 43.08.064 as warrant issuing duties devolved to state treasurer. See notes to 43.08.064.
- 43.09.120 Source—[1890 p 639 § 16; RRS § 11011. Prior: 1888 p 236 § 2.]
Recodified as 43.08.066 as warrant issuing duties devolved to state treasurer. See notes to 43.08.066.
- 43.09.130 Source—[1890 p 640 § 17; RRS § 11012. Prior: 1888 p 236 § 3.]
Recodified as 43.08.068 as warrant issuing duties devolved to state treasurer. See notes to 43.08.068.
- 43.09.140 Source—[1890 p 640 § 18; RRS § 11013. Prior: Code 1881 § 2579; 1854 p 411 § 9.]
Repealed and not reenacted as "settlement of any account" has application to a pre-audit function that became an agency responsibility under 43.88.160(2) of the budget and accounting act, and the "drawing of any warrant" is a duty that was devolved upon the state treasurer.
- 43.09.150 Source—[1890 p 640 § 19; RRS § 11014. Prior: Code 1881 § 2580; 1854 p 411 § 10.] Repealed and not reenacted. See note to 43.09.140.
- 43.09.160 Source—[1890 p 638 § 12; RRS § 11007. Prior: Code 1881 § 2578; 1854 p 411 § 8.]
- 43.09.170 Source—[1890 p 641 § 23; RRS § 11017. Prior: Code 1881 § 2586.]
- 43.09.180 Source—[1890 p 641 § 24; RRS § 11018. Prior: Code 1881 § 2587.]
- 43.09.190 Source—[(i) 1921 c 7 § 49; RRS § 10807. (ii) 1921 c 7 § 52; RRS § 10810. (iii) 1921 c 7 § 55; RRS § 10813. (iv) 1927 c 280 § 11; 1925 c 18 § 11; RRS § 11101.]
Section prefaced by subchapter heading "Municipal Corporations."
- 43.09.200 Source—[1909 c 76 § 2; RRS § 9952.]
- 43.09.210 Source—[1909 c 76 § 3; RRS § 9953.]
- 43.09.220 Source—[1909 c 76 § 4; RRS § 9954.]
- 43.09.230 Source—[1909 c 76 § 5; RRS § 9955.]
- 43.09.240 Source—[1963 c 209 § 2; 1911 c 30 § 1; 1909 c 76 § 6; RRS § 9956. Prior: 1890 p 638 § 11; Code 1881 § 2577; 1854 p 411 § 7.]
- 43.09.250 Source—[1963 c 209 § 3; 1919 c 119 § 1; 1911 c 30 § 1; 1909 c 76 § 7; RRS § 9957.]
- 43.09.260 Source—[1909 c 76 § 8; RRS § 9958.]
- 43.09.270 Source—[1963 c 209 § 4; 1911 c 30 § 1; 1909 c 76 § 10; RRS § 9960.]
- 43.09.280 Source—[1963 c 209 § 5; 1911 c 30 § 1; 1909 c 76 § 11; RRS § 9961.]
- 43.09.282 Source—[1963 c 209 § 6.]
- 43.09.290 Source—[1941 c 196 § 1; Rem. Supp. 1941 § 11018-1.]
Section prefaced by subchapter heading "Departmental Audits".
"this title" to "RCW 43.09.290 through 43.09.340".
- 43.09.300 Source—[1941 c 196 § 2; Rem. Supp. 1941 § 11018-2.]
- 43.09.310 Source—[1947 c 114 § 1; 1941 c 196 § 3; Rem. Supp. 1947 § 11018-3.]
- 43.09.320 Source—[1941 c 196 § 4; Rem. Supp. 1941 § 11018-4.]
- 43.09.330 Source—[1941 c 196 § 5; Rem. Supp. 1941 § 11018-5.]
- 43.09.340 Source—[1947 c 114 § 2; 1941 c 196 § 6; Rem. Supp. 1947 § 11018-6.]
- 43.09.350 Source—[1921 c 7 § 121; RRS § 10879.]

Chapter 43.10 Attorney General

- 43.10.010 Source—[1929 c 92 § 1, part; RRS § 11030, part. Prior: 1921 c 119 § 1; 1888 p 7 § 4.]
- 43.10.020 Source—[(i) 1929 c 92 § 1, part; RRS § 11030, part. (ii) 1929 c 92 § 2; RRS § 11031. Prior: 1921 c 119 § 1; 1888 p 7 §§ 4, 5.]
- 43.10.030 Source—[(i) 1929 c 92 § 3; RRS § 112. (ii) 1929 c 92 § 4; RRS § 11032. Prior: 1891 c 55 § 2; 1888 p 8 § 6.]

- "courts" to "supreme court" in subdivision (1) to restore session law language. Explanatory note.
- 43.10.040 Source—[1941 c 50 § 1, part; Rem. Supp. 1941 § 11034-3, part.]
- 43.10.050 Source—[1929 c 92 § 6; RRS § 11034. Prior: 1905 c 99 § 1.]
- 43.10.060 Source—[1929 c 92 § 7, part; RRS § 11034-1, part.]
Former part of section recodified as 43.10.065 to restore session law order.
- 43.10.065 Source—[1941 c 50 § 1, part; Rem. Supp. 1941 § 11034-3, part.]
Formerly 43.10.060, part.
- 43.10.067 Source—[(i) 1941 c 50 § 2; Rem. Supp. 1941 § 11034-4. (ii) 1941 c 50 § 4; Rem. Supp. 1941 § 11034-6.]
Formerly 43.01.080.
Last paragraph added to update section to include agencies not in existence at the time of the 1941 enactment and were authorized to employ lawyers by later law.
"section" to "RCW 43.10.040, and 43.10.065 through 43.10.080".
- 43.10.070 Source—[1941 c 50 § 1, part; Rem. Supp. 1941 § 11034-3, part.]
- 43.10.080 Source—[1941 c 50 § 3; Rem. Supp. 1941 § 11034-5.]
- 43.10.090 Source—[1937 c 88 § 1; RRS § 112-1.]
- 43.10.100 Source—[1929 c 92 § 5; RRS § 11033. Prior: 1888 p 8 § 7.]
- 43.10.110 Source—[1929 c 92 § 8; RRS § 11034-2.]
Formerly uncodified.

Chapter 43.12 Commissioner of Public Lands

Sections 43.12.020 through 43.12.150 have been omitted from the reenactment bill as the parent session law chapters for these sections were restored and are codified in Titles 76 and 79. They will be recodified in such titles in their session law order and language upon publication of the 1965 supplement to RCW.

- 43.12.010 Source—[1921 c 7 § 119; RRS § 10877.]
The 1941 Code Committee paraphrased the language of 1921 c 7 § 119 (a devolution section) to form 43.12.010. As the powers, duties and functions of the commissioner of public lands were transferred to the department of natural resources by 1957 c 38 § 13 (43.30.130), the language has been further generalized.

Chapter 43.17 Administrative Departments and Agencies— General Provisions

- 43.17.010 Source—[1957 c 215 § 19; 1955 c 285 § 2; 1953 c 174 § 1. Prior: (i) 1937 c 111 § 1; RRS § 10760-2, part. (ii) 1935 c 176 § 1; 1933 c 3 § 1; 1929 c 115 § 1; 1921 c 7 § 2; RRS § 10760. (iii) 1945 c 267 § 1, part; Rem. Supp. 1945 § 10459-1, part. (iv) 1947 c 114 § 5; Rem. Supp. 1947 § 10786-10c.]
- 43.17.020 Source—[1957 c 215 § 20; 1955 c 285 § 3; 1953 c 174 § 2. Prior: (i) 1935 c 176 § 2; 1933 c 3 § 2; 1929 c 115 § 2; 1921 c 7 § 3; RRS § 10761. (ii) 1937 c 111 § 1, part; RRS § 10760-2, part. (iii) 1945 c 267 § 1; Rem. Supp. 1945 § 10459-1.]
- 43.17.030 Source—[1921 c 7 § 18; RRS § 10776.]
- 43.17.040 Source—[1921 c 7 § 118; RRS § 10876.]
- 43.17.050 Source—[(i) 1921 c 7 § 20; RRS § 10778. (ii) 1921 c 7 § 134; RRS § 10892.]
"director of public institutions" to "director of general administration" in last line.
- 43.17.060 Source—[1921 c 7 § 19; RRS § 10777.]
- 43.17.070 Source—[1929 c 115 § 3; 1921 c 7 § 4; RRS § 10762.]
Reference to "state law library committee" deleted as "state law library committee" was repealed by 1959 c 188 § 6.
- 43.17.080 Source—[1921 c 7 § 14; RRS § 10772.]
- 43.17.090 Source—[1961 c 1 § 31 (Initiative Measure No. 207); 1929 c 68 § 1; 1921 c 7 § 15; RRS § 10773.]
- 43.17.100 Source—[1921 c 7 § 16; RRS § 10774.]

Explanatory
note.

- 43.17.110 Source—[1921 c 7 § 128; RRS § 10886.]
- 43.17.120 Source—[1955 c 200 § 1.]
- 43.17.130 Source—[1955 c 200 § 2.]

Chapter 43.19 Department of General Administration

- 43.19.010 Source—[1959 c 301 § 1; 1955 c 285 § 4; 1955 c 195 § 6; 1935 c 176 § 11. Prior: 1909 c 38 §§ 1-7; 1907 c 166 §§ 3-5; 1901 c 119 §§ 1-9; RRS § 10786-10.]
 - 43.19.015 Source—[1955 c 285 § 18.]
 - 43.19.020 Source—[1955 c 285 § 5. Prior: (i) 1919 c 209 § 2; 1917 c 80 § 2; RRS § 3209. (ii) 1945 c 123 § 1; 1935 c 176 § 12; Rem. Supp. 1945 § 10786-11.]
 - 43.19.030 Source—[1943 c 217 § 1; 1919 c 209 § 3; 1917 c 80 § 3; Rem. Supp. 1943 § 3210.]
 - 43.19.040 Source—[1955 c 285 § 6; 1935 c 176 § 17; RRS § 10786-16.]
 - 43.19.050 Source—[1917 c 80 § 4; RRS § 3211.]
The session law language requiring the supervisor of banking to maintain an office at the state capitol has been restored.
 - 43.19.060 Source—[1919 c 209 § 6; 1917 c 80 § 9; RRS § 3216.]
 - 43.19.070 Source—[1931 c 132 § 3; RRS § 3369a.]
 - 43.19.080 Source—[1917 c 80 § 11; RRS § 3218.]
 - 43.19.090 Source—[1917 c 80 § 13; RRS § 3220.]
 - 43.19.100 Source—[1955 c 285 § 7; 1935 c 176 § 13; RRS § 10786-12.]
 - 43.19.110 Source—[1955 c 285 § 8; 1935 c 176 § 18; RRS § 10786-17.]
 - 43.19.120 Source—[1945 c 235 § 93; Rem. Supp. 1945 § 3717-212.]
 - 43.19.125 Source—[1959 c 301 § 2; 1955 c 285 § 9.]
 - 43.19.180 Source—[1955 c 285 § 10; 1935 c 176 § 16; RRS § 10786-15. Prior: 1921 c 7 § 31; RRS § 10789.]
 - 43.19.190 Source—[1959 c 178 § 1; 1957 c 187 § 1; 1955 c 285 § 12. Prior: (i) 1935 c 176 § 21; RRS § 10786-20. (ii) 1921 c 7 § 42; RRS § 10800. (iii) 1955 c 285 § 12; 1921 c 7 § 37, part; RRS § 10795, part.]
 - 43.19.1902 Source—[1959 c 178 § 2.]
"Washington State College" to "Washington State University".
 - 43.19.1904 Source—[1959 c 178 § 3.]
 - 43.19.1906 Source—[1959 c 178 § 4.]
 - 43.19.1908 Source—[1959 c 178 § 5.]
 - 43.19.1911 Source—[1959 c 178 § 6.]
 - 43.19.1912 Source—[1959 c 178 § 7.]
 - 43.19.1915 Source—[1959 c 178 § 8.]
 - 43.19.1917 Source—[1959 c 178 § 9.]
 - 43.19.1919 Source—[1959 c 178 § 10.]
 - 43.19.1921 Source—[1959 c 178 § 11.]
 - 43.19.1923 Source—[1959 c 178 § 12.]
 - 43.19.1925 Source—[1959 c 178 § 13.]
 - 43.19.1927 Source—[1959 c 178 § 14.]
 - 43.19.1935 Source—[1959 c 178 § 18.]
 - 43.19.1937 Source—[1959 c 178 § 19.]
 - 43.19.1939 Source—[1959 c 178 § 20.]
 - 43.19.200 Source—[1955 c 285 § 13. Prior: 1921 c 7 § 37, part; RRS § 10795, part.]
 - 43.19.210 Source—[1941 c 196 § 12; Rem. Supp. 1941 § 10795-1.]
 - 43.19.255 } Source—[1953 c 169 § 1.]
 - 43.19.256 } Source—[1953 c 169 § 2.]
- These two sections relate to department of institutions personnel and were not included in the Title 72 reenactment bill. The two sections are herein specifically added to Title 72 and will appear therein as sections 72.01.042 and 72.01.043 as part of the 1965 supplement to RCW.
"department of public institutions" to "department of institutions".
- 43.19.450 Source—[1959 c 301 § 4.]

Chapter 43.20 Department of Health—State Board of Health	Explanatory note.
43.20.010	Source—[(i) 1909 c 208 § 2; RRS § 6004. (ii) 1921 c 7 § 59; RRS § 10817.]
43.20.020	Source—[1921 c 7 § 56, part; RRS § 10814, part.]
43.20.030	Source—[1921 c 7 § 56, part; RRS § 10814, part.]
43.20.040	Source—[1961 1st ex.s. c 5 § 1; 1921 c 7 § 57; RRS § 10815.]
43.20.050	Source—[(i) 1901 c 116 § 1; 1891 c 98 § 2; RRS § 6001. (ii) 1921 c 7 § 58; RRS § 10816.]
43.20.060	Source—[1915 c 75 § 1; RRS § 6005.]
43.20.070	Source—[1907 c 83 § 1; RRS § 6018.]
43.20.080	Source—[1961 1st ex.s. c 5 § 2; 1951 c 106 § 1; 1915 c 180 § 9; 1907 c 83 § 17; RRS § 6034.]
43.20.090	Source—[1961 1st ex.s. c 5 § 3; 1953 c 90 § 1; 1951 c 106 § 3; 1945 c 158 § 1; 1937 c 168 § 2; 1915 c 180 § 11; 1907 c 83 § 20; Rem. Supp. 1945 § 6037.]
43.20.100	Source—[1891 c 98 § 11; RRS § 6007.]
43.20.110	Source—[1923 c 127 § 1; RRS § 10814-1.]
43.20.120	Source—[1923 c 127 § 2; RRS § 10814-2.]
43.20.130	Source—[1941 c 129 § 1; Rem. Supp. 1941 § 9992-107a. Prior: 1937 c 114 § 7. Formerly RCW 74.12.210.] “the effective date of this act” to “April 1, 1941”.
43.20.140	Source—[1941 c 129 § 2; Rem. Supp. 1941 § 9992-107b. Formerly RCW 74.12.220.]

Chapter 43.21 Department of Conservation

43.21.010	Source—[1957 c 284 § 1; 1957 c 215 § 21. Prior: (i) 1951 c 57 § 1; 1921 c 7 § 61; 1917 c 117 §§ 5-8; RRS § 10819. (ii) 1951 c 57 § 1; 1945 c 255 § 1; 1945 c 173 § 1; 1937 c 134 §§ 1-3; 1933 ex.s. c 54 § 1; Rem. Supp. 1945 § 10964-8a.] “conservation and development” to “conservation”. “division of forestry” deleted as this division was abolished and its powers and duties were transferred to the department of natural resources by RCW 43.30.070. “division of progress and industry development” deleted as this division was abolished and its powers and duties were transferred to the department of commerce and economic development by RCW 43.31.170. Divisions renumbered accordingly.
43.21.020	Source—[(i) 1923 c 143 § 4; 1921 c 67 § 6; RRS § 5823. (ii) 1921 c 7 § 62; RRS § 10820.] Section not included for reenactment as the division of forestry was abolished by RCW 43.30.070 and its powers and duties transferred to the department of natural resources. As 1923 c 143 § 4 is amendatory of a special act relating to Olympic peninsula area fire protection and does not have general application, the section is not repealed and will be restored to its session law language and organization in the 1965 supplement to RCW.
43.21.030	Source—[(i) 1921 c 64 § 3; RRS § 5811. (ii) 1921 c 7 § 67; RRS § 10825.] Section not included for reenactment as the division of forestry abolished by RCW 43.30.070.
43.21.040	Source—[1921 c 7 § 63; RRS § 10821.] “director of conservation and development” to “director of conservation”.
43.21.050	Source—[1921 c 7 § 69; RRS § 10827.] “director of conservation and development” to “director of conservation”.
43.21.060	Source—[1935 c 142 § 1; RRS § 8614-1.] “director of conservation and development” to “director of conservation”.

Explanatory
note.

- 43.21.070 Source—[1935 c 142 § 2; RRS § 8614-2.]
“director of conservation and development” to “director of conservation”.
“department of conservation and development” to “department of conservation”.
- 43.21.080 Source—[1935 c 142 § 3; RRS § 8614-3.]
- 43.21.090 Source—[1935 c 142 § 4; RRS § 8614-4.]
- 43.21.100 Source—[1921 c 7 § 64; RRS § 10822.]
“director of conservation and development” to “director of conservation”.
- 43.21.110 Source—[1921 c 7 § 70; RRS § 10828.]
“director of conservation and development” to “director of conservation”.
- 43.21.120 Source—[1951 c 57 § 2; 1921 c 7 § 66; formerly RRS § 10824.]
“director of conservation and development” to “director of conservation”.
- 43.21.130 Source—[1961 c 19 § 1. Prior: (i) 1951 c 57 § 3; 1921 c 7 § 72; RRS § 10830. (ii) 1951 c 57 § 3; 1917 c 117 § 8; RRS § 7358.]
- 43.21.140 Source—[1951 c 57 § 4; 1943 c 30 § 1; formerly Rem. Supp. 1943 § 5505-1.]
“director of conservation and development” to “director of conservation”.
- 43.21.150 Source—[1941 c 204 § 2, part; Rem. Supp. 1941 § 9663F-2, part.]
“director of conservation and development” to “director of conservation”.
- 43.21.160 Source—[1941 c 204 § 2, part; Rem. Supp. 1941 § 9663F-2, part.]
“director of conservation and development” to “director of conservation”.
- 43.21.190 Source—[1957 c 215 § 22; 1933 ex.s. c 54 § 3; RRS § 10930-3.]
- 43.21.200 Source—[1957 c 215 § 23; 1933 ex.s. c 54 § 4; RRS § 10930-4.]
- 43.21.210 Source—[1921 c 7 § 73; RRS § 10831.]
“supervisor of hydraulics” to “supervisor of water resources”
as division of hydraulics eliminated by 1951 c 57 and name
changed to division of water resources.
“department of conservation and development” to “department
of conservation”.
- 43.21.220 Source—[1957 c 284 § 2.]
“conservation and development” to “conservation”.
- 43.21.230 Source—[1957 c 284 § 3.]
“conservation and development” to “conservation”.
- 43.21.240 Source—[1957 c 284 § 4.]
“conservation and development” to “conservation”.
- 43.21.250 Source—[1957 c 275 § 3.]
“conservation and development” to “conservation”.
- 43.21.260 Source—[1957 c 275 § 4.]
“conservation and development” to “conservation”.
- 43.21.270 Source—[1957 c 275 § 5.]
“conservation and development” to “conservation”.
- 43.21.280 Source—[1957 c 275 § 6.]
“conservation and development” to “conservation”.
- 43.21.290 Source—[1957 c 275 § 7.]
“conservation and development” to “conservation”.
- 43.21.300 Source—[1957 c 275 § 8.]
“conservation and development” to “conservation”.
- 43.21.310 Source—[1957 c 275 § 9.]
“conservation and development” to “conservation”.
- 43.21.320 Source—[1957 c 275 § 10.]
“conservation and development” to “conservation”.
- 43.21.330 Source—[1957 c 275 § 11.]
“conservation and development” to “conservation”.
- 43.21.340 Source—[1957 c 275 § 12.]
- 43.21.350 Source—[1957 c 275 § 13.]

- 43.21.360 Source—[1957 c 275 § 14.] Explanatory
 “conservation and development” to “conservation”. note.
- 43.21.370 Source—[1957 c 275 § 15.]
 “conservation and development” to “conservation”.
- 43.21.380 Source—[1957 c 275 § 16.]
- 43.21.390 Source—[1957 c 275 § 17.]
- 43.21.400 Source—[1957 c 275 § 18.]
- 43.21.410 Source—[1957 c 275 § 19.]
 “conservation and development” to “conservation”.

Chapter 43.22 Department of Labor and Industries

- 43.22.010 Source—[(i) 1927 c 306 § 1, part; 1917 c 36 § 2, part; RRS § 8637, part. (ii) 1921 c 7 § 74; RRS § 10832.]
- 43.22.020 Source—[1921 c 7 § 75; RRS § 10833.]
- 43.22.030 Source—[1921 c 7 § 78, part; RRS § 10836, part.]
- 43.22.040 Source—[1921 c 7 § 76; RRS § 10834.]
- 43.22.050 Source—[1955 c 173 § 1; 1921 c 7 § 80; RRS § 10838.]
- 43.22.060 Source—[1953 c 105 § 1. Prior: 1909 c 29 § 14; RRS § 6883.]
- 43.22.070 Source—[1909 c 29 § 15; RRS § 6884.]
- 43.22.080 Source—[1909 c 29 § 16; RRS § 6885.]
- 43.22.090 Source—[1927 c 77 § 1; 1909 c 29 § 17; RRS § 6886.]
- 43.22.100 Source—[1909 c 29 § 18; RRS § 6887.]
- 43.22.110 Source—[1953 c 105 § 2. Prior: 1915 c 169 § 7; 1909 c 29 § 19; RRS § 6888.]
- 43.22.120 Source—[1927 c 306 § 1, part; 1917 c 36 § 2, part; RRS § 8637, part.]
- 43.22.130 Source—[1927 c 306 § 2; 1917 c 36 § 3; RRS § 8638.]
- 43.22.140 Source—[1927 c 306 § 3; 1917 c 36 § 4; RRS § 8639.]
- 43.22.150 Source—[1945 c 262 § 1; Rem. Supp. 1945 § 8661-1.]
- 43.22.160 Source—[1917 c 36 § 5; RRS § 8640.]
- 43.22.170 Source—[1927 c 306 § 4, part; 1917 c 36 § 6, part; RRS § 8641, part. Formerly RCW 43.22.170 and 43.22.180.]
 The 1941 Code Committee divided the session law section into 43.22.170 and 43.22.180 and omitted the fourth and fifth paragraphs of the section. The omission of the fourth paragraph appears justified on the grounds that it is temporary in nature. The session law section is herein restored as 43.22.170, and 43.22.180 is decodified.
- 43.22.180 Source—[1927 c 306 § 4, part; 1917 c 36 § 6, part; RRS § 8641, part.]
 Now codified in RCW 43.22.170.
- 43.22.190 Source—[1947 c 166 § 1; 1927 c 306 § 5; 1919 c 201 § 1; 1917 c 36 § 7; 1897 c 45 § 7; RRS § 8642. Former part of section: 1917 c 36 § 9, part; RRS § 8644, part, now codified in RCW 43.22.210.]
 The 1941 Code Committee combined a part of 1917 c 36 § 9 with all of 1947 c 166 § 1 to form 43.22.190 and divided the remainder of 1917 c 36 § 9 into 43.22.210, 43.22.220, 43.22.230 and 43.22.240. 1947 c 166 § 1 is herein restored as 43.22.190 and 1917 c 36 § 9 is rejoined and restored as a single section in 43.22.210. “auditor” to “treasurer” as warrant issuing duties have devolved upon state treasurer under the budget and accounting act.
- 43.22.200 Source—[1917 c 36 § 8; RRS § 8643.]
- 43.22.210 Source—[1917 c 36 § 9; RRS § 8644. Formerly 43.22.190, part, 43.22.210 through 43.22.240.]
- 43.22.220 Source—[1917 c 36 § 9, part; RRS § 8644, part.]
 Now codified in RCW 43.22.210.
- 43.22.230 Source—[1917 c 36 § 9, part; RRS § 8644, part.]
 Now codified in RCW 43.22.210.
- 43.22.240 Source—[1917 c 36 § 9, part; RRS § 8644, part.]
 Now codified in RCW 43.22.210.

- Explanatory note.**
- 43.22.250 Source—[1927 c 306 § 6; 1917 c 36 § 10; RRS § 8645.]
- 43.22.260 Source—[1921 c 7 § 77; RRS § 10835.]
- 43.22.270 Source—[1921 c 7 § 81; RRS § 10839.]
- Session law language restored.
- 43.22.280 Source—[1921 c 7 § 82; RRS § 10840.]

The session law section upon which 43.22.280 is based reads as follows:

“Sec. 82. The director of labor and industries, the supervisor of industrial insurance, the supervisor of industrial relations, the industrial statistician, and the supervisor of women in industry shall constitute a committee, of which the director shall be chairman, and the supervisor of women in industry shall be executive secretary, which shall have the power, and it shall be its duty:

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the industrial welfare commission.”

The 1941 Code Committee rewrote the section to give the committee the name of “industrial welfare committee” and both expanded its powers and duties to all those prescribed by law in relation to fixing of minimum wages of women and minors and restricted its powers and duties to the fixing of such wages. The abolished “industrial welfare commission’s” powers and duties are codified in chapter 49.12 and include powers and duties relating to conditions of labor as well as wages. The rewrite was apparently designed to reconcile the section with 43.22.270(5) which places the administration of laws respecting labor conditions and wages of women and minors with the director of labor and industries.

The last phrase of the section is changed herein to “which shall exercise such powers and perform such duties as prescribed by law” to avoid the restriction of the 1941 Code Committee rewrite.

- 43.22.290 Source—[1901 c 74 § 3; RRS § 7588.]
- 43.22.300 Source—[1901 c 74 § 4; RRS § 7589.]
- 43.22.310 Source—[1901 c 74 § 5; RRS § 7590.]
- 43.22.320 Source—[1921 c 7 § 79; RRS § 10837.]
- 43.22.330 Source—[(i) 1901 c 74 § 2; RRS § 7587. (ii) 1901 c 74 § 7; RRS § 7592.]

Chapter 43.23 Department of Agriculture

- 43.23.010 Source—[1951 c 170 § 1; 1921 c 7 § 83; RRS § 10841.]
- 43.23.020 Source—[1921 c 7 § 84; RRS § 10842.]
- 43.23.030 Source—[(i) 1921 c 7 § 90; RRS § 10848. (ii) 1937 c 90 § 10; RRS § 10847-1.]
- 43.23.040 Source—[1921 c 7 § 85; RRS § 10843.]
- 43.23.050 Source—[1921 c 7 § 91; RRS § 10849.]
- 43.23.060 Source—[1921 c 7 § 86; RRS § 10844.]
- 43.23.070 Source—[1943 c 56 § 1; 1921 c 7 § 92; Rem. Supp. 1943 § 10850.]
- 43.23.080 Source—[1921 c 7 § 87; RRS § 10845.]
- 43.23.090 Source—[1921 c 7 § 93; RRS § 10851.]
- 43.23.100 Source—[1921 c 7 § 88; RRS § 10846.]
- 43.23.110 Source—[1921 c 7 § 94; RRS § 10852.]
- 43.23.120 Source—[(i) 1919 c 126 § 1, part; 1913 c 60 § 6, part; RRS § 2724, part. (ii) 1921 c 7 § 89, part; RRS § 10847, part.]
- 43.23.130 Source—[(i) 1919 c 126 § 1, part; 1913 c 60 § 6, part; RRS § 2724, part. (ii) 1921 c 7 § 89, part; RRS § 10847, part.]
- 43.23.140 Source—[1913 c 60 § 10; RRS § 2728.]
- 43.23.150 Source—[1951 c 170 § 2.]
- 43.23.160 Source—[1951 c 170 § 3.]

Chapter 43.24 Department of Licenses

Explanatory
note.

- 43.24.010 Source—[1921 c 7 § 95; RRS § 10853.]
 43.24.020 Source—[(i) 1921 c 7 § 96; RRS § 10854. (ii) 1921 c 7 § 104; RRS § 10862. (iii) 1929 c 133 § 1; RRS § 5852-24.]
 43.24.030 Source—[1921 c 7 § 98; RRS § 10856.]
 43.24.040 Source—[1921 c 7 § 97; RRS § 10855.]
 43.24.050 Source—[1921 c 7 § 105; RRS § 10863.]
 43.24.060 Source—[1921 c 7 § 99; RRS § 10857.]
 43.24.070 Source—[1921 c 7 § 100; RRS § 10858.]
 43.24.080 Source—[1921 c 7 § 101; RRS § 10859.]
 43.24.090 Source—[1947 c 143 § 1; Rem. Supp. 1947 § 8265-20.]
 43.24.100 Source—[1921 c 7 § 102; RRS § 10860.]
 43.24.110 Source—[1921 c 7 § 103; RRS § 10861.]
 43.24.120 Source—[1921 c 7 § 106; RRS § 10864.]
 43.24.130 Source—[1945 c 112 § 1; 1943 c 108 § 1; RRS § 10864-1.]

Chapter 43.25 Department of Fisheries

Note: The sections set forth in this chapter deal with the administration, enforcement, and personnel of the department of fisheries. As the other sections relating to this subject matter are codified in Title 75 and were reenacted in 1955, these sections are included in the reenactment bill and are specifically added to Title 75 and chapter 12, Laws of 1955.

- 43.25.010 Source—[1953 c 207 § 10. Prior: (i) 1933 c 3 § 5; 1921 c 7 § 116; RRS § 10874. (ii) 1949 c 112 § 3, part; Rem. Supp. 1949 § 5780-201, part. (iii) 1949 c 112 § 5; Rem. Supp. 1949 § 5780-204.]
 “appoint” to “appointment”.
 43.25.020 Source—[1949 c 112 § 3, part; Rem. Supp. 1949 § 5780-201, part.]
 43.25.030 Source—[1949 c 112 § 4; Rem. Supp. 1949 § 5780-203.]
 The internal reference “RCW 50.12.030” to “41.06.030” as 50.12-.030 was repealed by 1961 c 1 § 33.
 “except the assistant director” to “except the confidential secretary of the director” as only the director and his confidential secretary are exempted from the merit system under 41.06-.070(7).
 43.25.040 Source—[1949 c 112 § 11; Rem. Supp. 1949 § 5780-210.]
 43.25.045 Source—[1953 c 207 § 13.]
 “the state of Washington department of fisheries fund” referred to in the last line no longer exists. This language changed to “funds appropriated to the department of fisheries”.
 43.25.047 Source—[1953 c 207 § 14.]
 43.25.048 Source—[1957 c 216 § 1.]
 43.25.060 Source—[1949 c 112 § 9; Rem. Supp. 1949 § 5780-208.]
 43.25.070 Source—[1949 c 112 § 24; Rem. Supp. 1949 § 5780-222.]

Chapter 43.26 Department of Game

- 43.26.010 Source—[1947 c 275 § 2. Prior: 1921 c 7 § 115; Rem. Supp. 1947 § 5992-12.]
 The subject matter of this section is codified as 77.04.020. The session law source was repealed by 1955 c 36 § 77.98.040. The chapter will be retained for cross-reference purposes only.

Chapter 43.28 Department of Institutions

- 43.28.020 Source—[1959 c 301 § 3; 1955 c 195 § 4. Prior: (i) 1915 c 107 § 1, part; 1907 c 166 § 2, part; 1901 c 119 § 3, part; RRS § 10899, part. (ii) 1919 c 50 § 2; RRS § 10952. (iii) 1921 c 7 § 44; RRS § 10802. (iv) 1921 c 7 § 36, part; RRS § 10794, part. (v) 1923 c 101 § 1; 1921 c 7 § 40; RRS § 10798. (vi) 1921 c 7 § 39; RRS § 10797.]

At the time Title 72 was reviewed, the various subdivisions of the section were placed in the Title 72 1959 reenactment bill

Explanatory
note.

as sections of chapter 72.01, and 43.28.020 together with its session law sources was repealed. Later in the 1959 session 1955 c 195 § 4 (43.28.020) was amended to eliminate subdivisions (3), (4), (5) and (6) dealing with architectural and building duties for institutions as these were covered under the same act. Due to the technicality that the reenactment bill had switched the subject matter of subdivisions (3), (4), (5) and (6) to 72.01.100, the later section did not receive the 1959 amendment treatment. For this reason the section is not included in the reenactment bill and is not repealed.

Chapter 43.30 Department of Natural Resources

- 43.30.010 Source—[1957 c 38 § 1.]
- 43.30.020 Source—[1957 c 38 § 2.]
- 43.30.030 Source—[1957 c 38 § 3.]
- 43.30.040 Source—[1957 c 38 § 4.]
"State College of Washington" to "Washington State University".
- 43.30.050 Source—[1957 c 38 § 5.]
- 43.30.060 Source—[1957 c 38 § 6.]
- 43.30.070 Source—[1957 c 38 § 7.]
- 43.30.080 Source—[1957 c 38 § 8.]
"43.21.020 and 43.21.030" deleted as division of forestry abolished by 43.30.070.
- 43.30.090 Source—[1957 c 38 § 9.]
- 43.30.100 Source—[1957 c 38 § 10.]
- 43.30.110 Source—[1957 c 38 § 11.]
- 43.30.120 Source—[1957 c 38 § 12.]
- 43.30.130 Source—[1957 c 38 § 13.]
- 43.30.140 Source—[1957 c 38 § 14.]
"79.52.010" to "79.56.010".
- 43.30.150 Source—[1957 c 38 § 15.]
- 43.30.160 Source—[1957 c 38 § 16.]
- 43.30.170 Source—[1957 c 38 § 17.]
- 43.30.180 Source—[1957 c 38 § 18.]
- 43.30.190 Source—[1957 c 38 § 19.]
- 43.30.200 Source—[1957 c 38 § 20.]
- 43.30.210 Source—[1957 c 38 § 21.]
- 43.30.220 Source—[1957 c 38 § 22.]
"act" to "chapter".
- 43.30.230 Source—[1957 c 38 § 23.]
- 43.30.240 Source—[1957 c 38 § 24.]
- 43.30.250 Source—[1957 c 38 § 25.]
- 43.30.260 Source—[1957 c 38 § 26.]
- 43.30.270 Source—[1957 c 38 § 27.]
- 43.30.280 Source—[1963 c 141 § 1.]
- 43.30.290 Source—[1963 c 141 § 2.]
- 43.30.900 Source—[1957 c 38 § 28.]
Deleted as covered by general severability clause to reenactment bill.

Chapter 43.31 Department of Commerce and Economic Development

- 43.31.010 Source—[1957 c 215 § 1.]
- 43.31.020 Source—[1957 c 215 § 2.]
- 43.31.030 Source—[1961 c 307 § 6; 1957 c 215 § 3.]
- 43.31.040 Source—[1957 c 215 § 4.]
- 43.31.050 Source—[1957 c 215 § 5.]
- 43.31.060 Source—[1957 c 215 § 6.]
- 43.31.070 Source—[1957 c 215 § 7.]
- 43.31.080 Source—[1957 c 215 § 8.]
- 43.31.090 Source—[1959 c 228 § 1; 1957 c 215 § 9.]
- 43.31.100 Source—[1957 c 215 § 10.]

43.31.110	Source—[1957 c 215 § 11.]	Explanatory note.
43.31.120	Source—[1957 c 215 § 12.]	
43.31.130	Source—[1957 c 215 § 13.]	
43.31.140	Source—[1957 c 215 § 14.]	
43.31.150	Source—[1957 c 215 § 15.]	
43.31.160	Source—[1957 c 215 § 16.]	
43.31.170	Source—[1957 c 215 § 17.]	
43.31.180	Source—[1957 c 215 § 18.]	
43.31.200	Source—[1963 c 161 § 1.]	
43.31.210	Source—[1963 c 161 § 2.]	
43.31.220	Source—[1963 c 161 § 3.]	
43.31.230	Source—[1963 c 161 § 4.]	

—Provisions Relating to World Fair—

43.31.500	Source—[1961 c 152 § 1; 1957 c 174 § 1.]
43.31.510	Source—[1961 c 152 § 2; 1957 c 174 § 2.]
43.31.520	Source—[1961 c 152 § 3; 1957 c 174 § 3.]
43.31.525	Source—[1961 c 152 § 4; 1959 c 310 § 1.]
43.31.530	Source—[1957 c 174 § 4.]
43.31.540	Source—[1957 c 174 § 5.]
43.31.550	Source—[1957 c 174 § 6.]
43.31.560	Source—[1957 c 174 § 7.]
43.31.570	Source—[1957 c 174 § 8.]
43.31.580	Source—[1957 c 174 § 9.]
43.31.590	Source—[1957 c 174 § 10.]
	“RCW 23.28.240” to “RCW 23.60.200” as this section has been repositioned and renumbered “RCW 23.60.200”.
43.31.600	Source—[1957 c 174 § 11.]
43.31.610	Source—[1957 c 174 § 12.]
43.31.620	Source—[1963 1st ex.s. c 12 § 8; 1957 c 174 § 13.]
43.31.630	Source—[1957 c 174 § 14.]
43.31.640	Source—[1957 c 174 § 15.]
	“RCW 23.28.240” to “RCW 23.60.200” as this section has been repositioned and renumbered “RCW 23.60.200”.
43.31.650	Source—[1957 c 174 § 16.]
	Deleted as covered by general severability clause to reenactment bill.
43.31.660	Source—[1961 c 152 § 6.]
43.31.670	Source—[1961 c 152 § 7.]
43.31.680	Source—[1961 c 152 § 8.]
43.31.690	Source—[1961 c 152 § 9.]
43.31.700	Source—[1961 c 152 § 10.]
43.31.710	Source—[1961 c 152 § 11.]
43.31.720	Source—[1961 c 152 § 12.]
43.31.730	Source—[1961 c 152 § 13.]
43.31.740	Source—[1963 1st ex.s. c 12 § 9; 1961 c 152 § 14.]
43.31.750	Source—[1961 c 152 § 15.]
43.31.760	Source—[1961 c 152 § 16.]
43.31.770	Source—[1961 c 152 § 17.]
43.31.780	Source—[1961 c 127 § 1.]
	This section is temporary and is not included in the reenactment bill and is not repealed.

Chapter 43.32 Design Standards Committee

43.32.010	Source—[1949 c 165 § 2; RRS § 6450-8i.]
43.32.020	Source—[1949 c 165 § 3; RRS § 6450-8j.]

Chapter 43.33 Finance Committee

43.33.010	Source—[1961 c 300 § 2; 1921 c 7 § 6, part; RRS § 10764, part.]
43.33.020	Source—[1961 c 300 § 3; 1921 c 7 § 6, part; RRS § 10764, part.]
43.33.025	Source—[1959 c 91 § 3.]
43.33.030	Source—[1961 c 300 § 4; 1907 c 12 § 2; RRS § 5537.]
43.33.040	Source—[1907 c 12 § 3; RRS § 5538.]

Explanatory
note.

Chapter 43.34 Capitol Committee

- 43.34.010 Source—[1961 c 300 § 5; 1921 c 7 § 8; RRS § 10766.]
- 43.34.015 Source—[1959 c 257 § 45; 1909 c 69 § 1; RRS § 7897. Formerly 79.24.080.]
This section relates to the secretary and records of the committee and is recodified here which is more logical.
- 43.34.020 Source—[1911 c 59 § 10, part; 1909 c 69 § 5, part; RRS § 7901, part.]
The subject matter of this section was completely covered by 79.24.060 upon restoration of its session law source in Title 79. For this reason the section is not included in the reenactment bill and is not repealed.
- 43.34.030 Source—[1917 c 167 § 5; RRS § 7915.]
The powers and duties of the state capitol committee set forth in this section appear to have devolved upon the director of general administration, see 43.19.125 which places these powers and duties with the division of engineering and architecture of the department of general administration. See also 43.82.010 which gives the department of general administration authority over state agency housing.
The session law source for this section is a part of a 1917 bond issue authorization, the other provisions of which were not codified for the apparent reason that the bonds issued have been retired. For this reason the section is not included in the reenactment bill and is not repealed.
- 43.34.040 Source—[1933 ex.s. c 34 § 1; RRS § 7915-1.]
- 43.34.050 Source—[1915 c 191 § 5; RRS § 7918.]
This section is part of a seven-section 1915 bond issue authorization act, the other sections of which have not been codified for the reasons that the first three sections were repealed in 1917, the fourth is an appropriation section and the sixth and seventh are obsolete. For this reason the section may be construed as being limited in application to this bond authorization act and is not included in the reenactment bill and is not repealed.
- 43.34.060 Source—[1923 c 12 § 1; RRS § 7921-1.]
As to moneys received from sales of land this section appears to be covered by 79.24.085. The section is not included in the reenactment bill and will be recodified following 79.24.085 upon publication of the 1965 supplement to RCW.
The reference to "capitol building fund" changed to "capitol building construction account".

Chapter 43.35 Voting Machine Committee

- 43.35.010 Source—[1921 c 7 § 11, part; RRS § 10769, part.]
This section not included in the reenactment bill and not repealed as it is codified in its entirety at 29.33.030.

Chapter 43.37 Weather Modification Board

- 43.37.010 Source—[1957 c 245 § 1.]
- 43.37.020 Source—[1961 c 154 § 1; 1957 c 245 § 2.]
- 43.37.030 Source—[1957 c 245 § 3.]
- 43.37.040 Source—[1957 c 245 § 4.]
- 43.37.050 Source—[1957 c 245 § 5.]
- 43.37.060 Source—[1957 c 245 § 6.]
- 43.37.070 Source—[1957 c 245 § 7.]
"director of conservation and development" to "director of conservation" in three places.
- 43.37.080 Source—[1957 c 245 § 8.]
- 43.37.090 Source—[1957 c 245 § 9.]
- 43.37.100 Source—[1957 c 245 § 10.]
- 43.37.110 Source—[1961 c 154 § 2; 1957 c 245 § 11.]

- 43.37.120 Source—[1961 c 154 § 3; 1957 c 245 § 12.]
- 43.37.130 Source—[1957 c 245 § 13.]
- 43.37.140 Source—[1961 c 154 § 4; 1957 c 245 § 14.]
- 43.37.150 Source—[1957 c 245 § 15.]
- 43.37.160 Source—[1957 c 245 § 16.]
- 43.37.170 Source—[1957 c 245 § 17.]
- 43.37.180 Source—[1957 c 245 § 18.]
- 43.37.190 Source—[1957 c 245 § 19.]
- 43.37.200 Source—[1957 c 245 § 20.]

Explanatory
note.

Chapter 43.38 Tax Advisory Council

- 43.38.010 Source—[1957 c 291 § 1.]
- 43.38.020 Source—[1957 c 291 § 2.]
- 43.38.030 Source—[1957 c 291 § 3.]
- 43.38.040 Source—[1957 c 291 § 4.]
- 43.38.050 Source—[1957 c 291 § 5.]

Chapter 43.41 Director of Budget

- 43.41.010 Source—[1961 c 307 § 3; 1955 c 340 § 3. Prior: (i) 1947 c 114 § 3; RRS § 10786-10a. (ii) 1935 c 176 § 14; RRS § 10786-13. (iii) 1941 c 196 § 7; RRS § 11018-7.]
- 43.41.020 Source—[1961 c 1 § 32 (Initiative Measure No. 207). Prior: (i) 1947 c 114 § 4; RRS § 10786-10b. (ii) 1935 c 176 § 19; RRS § 10786-18. (iii) 1921 c 7 § 47; RRS § 10805.]

The "state budget law" (chapter 43.86) referred to in subdivision (1) was repealed (except for three sections) by the budget and accounting act (1959 c 328; chapter 43.88) which set forth the fiscal responsibilities of the budget director. Thus "state budget law" changed to "state budget and accounting system".

The "preauditing of state departments" is now carried out as an agency fiscal responsibility under the budget and accounting act (see 43.88.160(2) (d)). Thus this language eliminated. The "approval of purchases of materials and supplies by state departments" and the "approval of public printing bills" is a pre-audit function which is an agency responsibility under the budget and accounting act (see 43.88.160(2) (d)). Thus this language eliminated.

Chapter 43.43 Washington State Patrol

- 43.43.010 Source—[1933 c 25 § 1; RRS § 6362-59.]
- 43.43.020 Source—[1949 c 192 § 1; 1933 c 25 § 3; Rem. Supp. 1949 § 6362-61.]
- 43.43.030 Source—[1933 c 25 § 2; RRS § 6362-60.]
- 43.43.040 Source—[1947 c 174 § 1; 1943 c 215 § 1; RRS § 6362-65.]
- 43.43.050 Source—[1943 c 205 § 1; Rem. Supp. 1943 § 6362-66.]
- 43.43.060 Source—[1943 c 205 § 2; Rem. Supp. 1943 § 6362-67.]
- 43.43.070 Source—[1943 c 205 § 3; Rem. Supp. 1943 § 6362-68.]
- 43.43.080 Source—[1943 c 205 § 4; Rem. Supp. 1943 § 6362-69.]
- 43.43.090 Source—[1943 c 205 § 5; Rem. Supp. 1943 § 6362-70.]
- 43.43.100 Source—[1943 c 205 § 6; Rem. Supp. 1943 § 6362-71.]
- 43.43.110 Source—[1943 c 205 § 7; Rem. Supp. 1943 § 6362-72.]
- 43.43.120 Source—[1955 c 244 § 1; 1953 c 262 § 1; 1951 c 140 § 1; 1947 c 250 § 1; Rem. Supp. 1947 § 6362-81.]
- 43.43.130 Source—[1953 c 262 § 2; 1951 c 140 § 2; 1947 c 250 § 2; Rem. Supp. 1947 § 6362-82.]
- 43.43.135 Source—[1951 c 140 § 10.]
- 43.43.140 Source—[1961 c 300 § 6; 1957 c 162 § 1; 1947 c 250 § 3; Rem. Supp. 1947 § 6362-83.]
- 43.43.150 Source—[1947 c 250 § 4; Rem. Supp. 1947 § 6362-84.]
- 43.43.160 Source—[1947 c 250 § 5; Rem. Supp. 1947 § 6362-85.]
- 43.43.165 Source—[1955 c 244 § 4.]
- 43.43.170 Source—[1955 c 222 § 1; 1947 c 250 § 6; Rem. Supp. 1947 § 6362-86.]

Explanatory
note.

- 43.43.175 Source—[1955 c 222 § 2.]
- 43.43.180 Source—[1947 c 250 § 7; Rem. Supp. 1947 § 6362-87.]
- 43.43.190 Source—[1947 c 250 § 8; Rem. Supp. 1947 § 6362-88.]
- 43.43.200 Source—[1947 c 250 § 9; Rem. Supp. 1947 § 6362-89.]
- 43.43.210 Source—[1947 c 250 § 10; Rem. Supp. 1947 § 6362-90.]
- 43.43.220 Source—[1961 c 93 § 1; 1957 c 162 § 2; 1951 c 140 § 3; 1947 c 250 § 11; Rem. Supp. 1947 § 6362-91.]
- 43.43.230 Source—[1953 c 262 § 3; 1947 c 250 § 12; Rem. Supp. 1947 § 6362-92.]
- 43.43.240 Source—[1947 c 250 § 13; Rem. Supp. 1947 § 6362-93.]
- 43.43.250 Source—[1963 c 175 § 1; 1957 c 162 § 3; 1951 c 140 § 4; 1947 c 250 § 14; Rem. Supp. 1947 § 6362-94.]
“effective date of this act” to “June 13, 1963” as the phrase “effective date of this act” used in subdivision (3) first appeared in 1963 c 175 § 1, the effective date of which is June 13, 1963.
- 43.43.260 Source—[1963 c 175 § 2; 1957 c 162 § 4; 1955 c 244 § 2; 1951 c 140 § 5; 1947 c 250 § 15; Rem. Supp. 1947 § 6362-95.]
- 43.43.265 Source—[1959 c 8 § 1; 1955 c 244 § 5.]
Prior to the 1958 amendment to Article 2, section 5 of the state Constitution which allows increases in pensions after the pensions have been granted, the section would probably have been declared unconstitutional. The 1959 act was passed after the constitutional amendment to reenact the 1955 language and to make it retroactive. This is similar to the legislative treatment given to police pensions. In construing the police pension statutes, our court in *Luders v. Spokane*, 57 Wn. (2d) 162, 356 p. (2d) 331 held that the later act did not validate the earlier invalid statute but was an independent act which had a retroactive effect. Thus it would appear that the choice of an effective date is a judicial question. After “the effective date of this act”, “(1959 c 8, effective date was January 29, 1959; 1955 c 244, effective date was June 8, 1955)” inserted as the phrase “the effective date of this act” first appeared in 1955 c 244 and was reenacted in 1959 c 8. The effective date of 1955 c 244 was June 8, 1955 and the effective date of 1959 c 8 was January 29, 1959.
- 43.43.266 Source—[1959 c 8 § 2.]
“(1959 c 8)” inserted after “this act” in two places.
- 43.43.270 Source—[1963 c 175 § 3; 1961 c 93 § 2; 1951 c 140 § 6; 1947 c 250 § 16; Rem. Supp. 1947 § 6362-96.]
- 43.43.280 Source—[1961 c 93 § 3; 1951 c 140 § 7; 1947 c 250 § 17; Rem. Supp. 1947 § 6362-97.]
- 43.43.290 Source—[1947 c 250 § 18; Rem. Supp. 1947 § 6362-98.]
- 43.43.300 Source—[1963 c 175 § 4; 1961 c 93 § 4; 1955 c 244 § 3; 1951 c 140 § 9; 1947 c 250 § 19; Rem. Supp. 1947 § 6362-99.]
- 43.43.310 Source—[1951 c 140 § 8; 1947 c 250 § 20; Rem. Supp. 1947 § 6362-100.]
- 43.43.320 Source—[1947 c 250 § 21; Rem. Supp. 1947 § 6362-101.]
- 43.43.330 Source—[1959 c 115 § 1; 1949 c 192 § 2; Rem. Supp. 1949 § 6362-61a.]
- 43.43.340 Source—[1949 c 192 § 3; Rem. Supp. 1949 § 6362-61b.]
- 43.43.350 Source—[1949 c 192 § 4, part; Rem. Supp. 1949 § 6362-61c, part.]
- 43.43.360 Source—[1949 c 192 § 4, part; Rem. Supp. 1949 § 6362-61c, part.]
- 43.43.370 Source—[1949 c 192 § 5; Rem. Supp. 1949 § 6362-61d.]
- 43.43.380 Source—[1949 c 192 § 6; Rem. Supp. 1949 § 6362-61e.]

Chapter 43.46 Arts Commission

- 43.46.010 Source—[1961 c 301 § 1.]
- 43.46.020 Source—[1961 c 301 § 2.]
- 43.46.030 Source—[1961 c 301 § 3.]
- 43.46.040 Source—[1961 c 301 § 4.]

- 43.46.050 Source—[1961 c 301 § 5.]
 43.46.060 Source—[1961 c 301 § 6.]
 43.46.070 Source—[1961 c 301 § 7.]
 43.46.080 Source—[1961 c 301 § 9.]

Explanatory
note.

Chapter 43.48 Athletic Commission

Note: The sections comprising this chapter relate to the creation, organization, surety bonds, and expenses of the state athletic commission. As the powers and duties of the commission are set forth in chapter 67.08 which has the same legislative source, the sections are not included in the reenactment bill, are not repealed, and will be recodified in chapter 67.08 upon publication of the 1965 supplement to RCW.

Chapter 43.49 Columbia Basin Commission

- 43.49.010 Source—[1943 c 283 § 1; 1933 c 81 § 1; RRS § 3017-1.]
 “director of conservation and development” to “director of conservation”.
 43.49.020 Source—[1943 c 283 § 2; RRS § 3017-1a.]
 “director of conservation and development” to “director of conservation”.
 43.49.030 Source—[1943 c 283 § 3; 1935 c 132 § 1; 1933 c 81 § 2; RRS § 3017-2.]
 43.49.040 Source—[1943 c 283 § 4; RRS § 3017-2a.]
 43.49.050 Source—[1943 c 283 § 5; RRS § 3017-2b.]
 43.49.060 Source—[1943 c 283 § 6; 1933 c 81 § 3; RRS § 3017-3.]
 43.49.070 Source—[1943 c 283 § 7; 1933 c 81 § 4; RRS § 3017-4.]

Chapter 43.50 Horse Racing Commission

Note: The sections comprising this chapter relate to the creation and organization of the Washington horse racing commission. As the powers and duties of the commission are set forth in chapter 67.16 which has the same legislative source, the sections are not included in the reenactment bill, are not repealed, and will be recodified in chapter 67.16 upon publication of the 1965 supplement to RCW.

Chapter 43.51 Parks and Recreation Commission

- 43.51.010 Source—[1947 c 271 § 2; RRS § 10768-1.]
 43.51.020 Source—[1947 c 271 § 1; 1945 c 36 § 1; 1921 c 7 § 10; RRS § 10768.]
 43.51.030 Source—[1947 c 271 § 3; RRS § 10768-2.]
 43.51.040 Source—[1959 c 317 § 1; 1955 c 391 § 1; 1929 c 148 § 1; 1923 c 157 § 1; 1921 c 149 § 2; RRS § 10942.]
 43.51.050 Source—[1955 c 391 § 2; 1947 c 271 § 4; RRS § 10768-3.]
 43.51.060 Source—[1961 c 307 § 12; 1955 c 391 § 3; 1947 c 271 § 5; RRS § 10768-4.]
 “state parks and parkway fund” to “state parks and parkways account” as fund abolished by 43.79.331 and moneys transferred to “state parks and parkways account” created by 43.79.330.
 43.51.062 Source—[1953 c 39 § 1.]
 The validating and construction sections appearing in the footnote will not be presented for reenactment and will not be repealed.
 43.51.070 Source—[1913 c 113 § 2; RRS § 10940.]
 43.51.080 Source—[1925 ex.s. c 92 § 1; RRS § 10942-1.]
 The session law section contained a proviso at the end of the section reading as follows: “Provided, That nothing in this act shall in any manner abridge the full effect of any existing powers, heretofore granted to the state parks committee”. This proviso is restored with the addition of “[1925 ex.s. c 92]” following “this act” by way of explanation and the change of “state parks committee” to “state parks and recreation commission”.

Explanatory
note.

- 43.51.090 Source—[1923 c 157 § 2; 1921 c 149 § 3; RRS § 10943.]
“state parks and parkways fund” to “state parks and parkways account” as fund abolished by 43.79.331 and moneys transferred to state parks and parkways account created by 43.79.330.
- 43.51.100 Source—[1921 c 149 § 4; RRS § 10944.]
- 43.51.110 Source—[1921 c 149 § 5; RRS § 10945.]
- 43.51.120 Source—[1921 c 149 § 6; RRS § 10946.]
- 43.51.130 Source—[1929 c 83 § 1; RRS § 10946-1.]
- 43.51.140 Source—[1929 c 83 § 2; RRS § 10946-2.]
- 43.51.150 Source—[1929 c 83 § 3; RRS § 10946-3.]
- 43.51.160 Source—[1929 c 83 § 4; RRS § 10946-4.]
- 43.51.170 Source—[1921 c 149 § 7; RRS § 10947.]
- 43.51.180 Source—[1921 c 149 § 8; RRS § 10948.]
- 43.51.210 Source—[1953 c 64 § 1; 1947 c 261 § 1; RRS § 10951a.]
“state land board” to “department of natural resources” as board of state land commissioners was abolished and its powers and duties transferred to the department of natural resources by 43.30.070.
“parks and parkways fund” to “parks and parkways account”.
- 43.51.220 Source—[1949 c 154 § 1; RRS § 10768-4d.]
- 43.51.230 Source—[1959 c 215 § 1.]
- 43.51.500 Source—[1961 c 215 § 1.]
- 43.51.510 Source—[1961 c 215 § 2.]
- 43.51.520 Source—[1961 c 215 § 3.]
- 43.51.530 Source—[1961 c 215 § 4.]
- 43.51.540 Source—[1961 c 215 § 5.]
- 43.51.550 Source—[1961 c 215 § 6.]
- 43.51.560 Source—[1961 c 215 § 7.]
- 43.51.570 Source—[1961 c 215 § 8.]

Chapter 43.52 Operating Agencies (Power Commission)

Note: (1) Sections 43.52.001 through 43.52.240 comprised chapter 43.52 RCW which was repealed by 1953 c 281 § 22. Subsequent to this repeal RCW 43.52.050 was amended by 1955 c 340 § 6 to raise the salary of power commission members and RCW 43.52.040 was reenacted as it was a part of the session law section source for 43.52.050. The 1955 amending act was a general act creating the governor's advisory salary committee and amending several acts relating to salaries of various agencies. The amendment of 43.52.050 appears to have been due to oversight. The state power commission was recreated by 1953 c 281 and was subsequently abolished by 1957 c 295 § 8. For this reason RCW 43.52.040 and 43.52.050 are repealed without reenactment.

(2) The state power commission referred to throughout this chapter was recreated by 1953 c 281 § 2 and was abolished by 1957 c 295 § 8. Section 5 of 1957 c 295 devolved powers and duties of the commission upon joint operating agencies as follows: “In addition to the power and authority granted in this chapter to an operating agency, it shall also have all power and authority heretofore granted, and shall be subject to all of the duties imposed upon the Washington state power commission by RCW 43.52.300 and RCW 43.52.350.” Chapter 295 of the Laws of 1957 also repealed certain powers and duties of the abolished commission but retained other sections without change. The definition of “commission” in 43.52.250 has been changed by deleting the words “created hereunder” to preserve the statutory time sequence of its creation and abolishment.

- 43.52.250 Source—[1953 c 281 § 1.]
Definition of “‘Commission’ means the Washington state power commission created hereunder” to “‘Commission’ means the Washington state power commission.”
- 43.52.260 Source—[1955 c 258 § 18; 1953 c 281 § 20.]

- 43.52.272 Source—[1957 c 295 § 8.]
- 43.52.290 Source—[1953 c 281 § 4.]
- 43.52.300 Source—[1955 c 258 § 1; 1953 c 281 § 5.]
- 43.52.340 Source—[1955 c 258 § 5; 1953 c 281 § 9.]
- 43.52.3411 Source—[1957 c 295 § 6.]
- 43.52.343 Source—[1957 c 295 § 7; 1955 c 258 § 10.]
- 43.52.350 Source—[1953 c 281 § 11.]
- 43.52.360 Source—[1957 c 295 § 1; 1955 c 258 § 3; 1953 c 281 § 12.]
“director of conservation and development” to “director of conservation”.
- 43.52.370 Source—[1957 c 295 § 2; 1953 c 281 § 13.]
- 43.52.373 Source—[1957 c 295 § 3.]
- 43.52.375 Source—[1957 c 295 § 4.]
- 43.52.380 Source—[1953 c 281 § 14.]
- 43.52.391 Source—[1957 c 295 § 5.]
- 43.52.410 Source—[1953 c 281 § 17.]
- 43.52.430 Source—[1953 c 281 § 19.]
“director of conservation and development” to “director of conservation”.
- 43.52.440 Source—[1953 c 281 § 23.]
- 43.52.450 Source—[1953 c 281 § 10.]
“public service commission” to “utilities and transportation commission”.
- 43.52.460 Source—[1957 c 295 § 10.]
- 43.52.470 Source—[1957 c 295 § 11.]
In last sentence after “heretofore” and before “attempted” inserted “(March 26, 1957)” to make application of validation clause applicable to effective date of 1957 c 295.
- 43.52.900 Source—[1955 c 258 § 20.]
Severability clause not included in reenactment bill as covered by general severability clause in general construction sections.
- 43.52.910 Source—[1957 c 295 § 12.]
Severability portion not included in reenactment bill as covered by general severability clause in general construction sections.
Last sentence retained.

Chapter 43.56 Uniform Legislation Commission

- 43.56.010 Source—[1905 c 59 § 1; RRS § 8204.]
- 43.56.020 Source—[1905 c 59 § 2; RRS § 8205.]
- 43.56.030 Source—[1905 c 59 § 3; RRS § 8206.]
- 43.56.040 Source—[1955 c 91 § 1; 1905 c 59 § 4; RRS § 8207.]
The requirement that the state auditor preaudit the expense accounts of board members has been superseded by the budget and accounting act (chapter 43.88) which makes this duty a responsibility of the agency making the expenditures. See 43.88.160(2) (d). For this reason “and the state auditor” is deleted at the end of the first paragraph.

Chapter 43.57 Interstate Compact Commission

- 43.57.010 Source—[1953 c 130 § 1; 1951 c 113 § 1.]
- 43.57.020 Source—[1953 c 130 § 2; 1951 c 113 § 2.]
- 43.57.030 Source—[1951 c 113 § 3.]

Chapter 43.58 Washington-Oregon Boundary Commission

- 43.58.010 Source—[1955 ex.s. c 6 § 1; 1937 c 27 § 1; RRS § 10939-5.]
This section and 43.58.020, 43.58.030 and 43.58.040 were provisionally repealed by 43.58.090 upon ratification of the compact by Oregon and Congress. This has been accomplished. For this reason the sections are not included in the reenactment bill but are not repealed. These sections will be footnoted upon publication of the 1965 supplement to RCW.

- Explanatory note.
- 43.58.020 Source—[1955 ex.s. c 6 § 2; 1937 c 27 § 2; RRS § 10939-6.]
Not included in reenactment bill, see comment to 43.58.010.
- 43.58.030 Source—[1937 c 27 § 3; RRS § 10939-7.]
Not included in reenactment bill, see comment to 43.58.010.
- 43.58.040 Source—[1937 c 27 § 4; RRS § 10939-8.]
Not included in reenactment bill, see comment to 43.58.010.]
- 43.58.050 Source—[1957 c 90 § 1.]
- 43.58.060 Source—[1957 c 90 § 2.]
- 43.58.070 Source—[1957 c 90 § 3.]
- 43.58.080 Source—[1957 c 90 § 4.]
This section has been accomplished as the compact has been approved and ratified (see reviser's note following 43.58.050). The section is not included in the reenactment bill, but is not repealed. It will be footnoted upon publication of the 1965 supplement to RCW.
- 43.58.090 Source—[1957 c 90 § 5.]

Chapter 43.60 Safety Council

- 43.60.010 Source—[1959 c 313 § 1; 1951 c 247 § 16.]
- 43.60.020 Source—[1951 c 247 § 17.]
"public service commission" to "utilities and transportation commission".
- 43.60.030 Source—[1951 c 247 § 37.]
- 43.60.040 Source—[1951 c 247 § 18.]
- 43.60.050 Source—[1951 c 247 § 19.]
- 43.60.060 Source—[1951 c 247 § 20.]
- 43.60.070 Source—[1951 c 247 § 24.]
- 43.60.080 Source—[1951 c 247 § 27.]
- 43.60.090 Source—[1951 c 247 § 21.]
- 43.60.100 Source—[1951 c 247 § 22.]
- 43.60.110 Source—[1951 c 247 § 35.]
- 43.60.120 Source—[1951 c 247 § 34.]
- 43.60.130 Source—[1951 c 247 § 23.]
"public service commission" to "utilities and transportation commission".
- 43.60.140 Source—[1951 c 247 § 36.]
- 43.60.150 Source—[1951 c 247 § 28.]
- 43.60.160 Source—[1951 c 247 § 29.]
- 43.60.170 Source—[1951 c 247 § 30.]
- 43.60.180 Source—[1951 c 247 § 31.]
- 43.60.190 Source—[1951 c 247 § 25.]
- 43.60.200 Source—[1951 c 247 § 26.]
- 43.60.210 Source—[1951 c 247 § 32.]
The submission of vouchers to the state auditor for payment required in the last line of the section has been changed since the state budget and accounting act. Thus "auditor" changed to "treasurer" in last line.
- 43.60.220 Source—[1951 c 247 § 33.]

Chapter 43.61 Veterans' Rehabilitation Council

- 43.61.010 Source—[1947 c 110 § 1; RRS § 10758-100.]
- 43.61.020 Source—[1961 c 307 § 13; 1947 c 110 § 2; RRS § 10758-101.]
- 43.61.030 Source—[1947 c 110 § 6; RRS § 10758-105.]
- 43.61.040 Source—[1947 c 110 § 3; RRS § 10758-102.]
- 43.61.050 Source—[1947 c 110 § 4; RRS § 10758-103.]
The "veterans' rehabilitation council fund" to "veterans' rehabilitation account" as fund was abolished by 43.79.331 and moneys transferred to the "veterans' rehabilitation account" created by 43.79.330.
The fiscal procedure set forth was changed under the budget and accounting act. Language changed to "except by warrant

- of the state treasurer for claims approved by the council and filed on proper forms". Explanatory note.
- 43.61.060 Source—[1947 c 110 § 5; RRS § 10758-104.]
"veterans' rehabilitation council fund" to "veterans' rehabilitation account", see comment under 43.61.050.
- 43.61.070 Source—[1947 c 110 § 7; RRS § 10758-106.]

Chapter 43.62 Census Board

- 43.62.010 Source—[1957 c 175 § 1; 1951 c 96 § 1; 1947 c 51 § 2; RRS § 5508-11.]
"State College of Washington" to "Washington State University".
- 43.62.020 Source—[1957 c 175 § 2. Prior: (i) 1949 c 60 § 1; RRS § 5508-3. (ii) 1947 c 51 § 1; RRS § 5508-10.]
- 43.62.030 Source—[1957 c 175 § 3; 1951 c 96 § 2.]
- 43.62.040 Source—[1957 c 175 § 4; 1951 c 96 § 3.]
- 43.62.050 Source—[1959 c 171 § 1; 1957 c 229 § 1.]

Chapter 43.64 Forest Board

- 43.64.010 Source—[1933 c 118 § 1; 1923 c 154 § 1; RRS § 5812-1.]
As the state forest board was abolished by 43.30.070 and all its powers, duties and functions transferred to the department of natural resources, the section is repealed without reenactment.
- 43.64.020 Source—[1927 c 288 § 2; 1923 c 154 § 2; RRS § 5812-2.]
As the state forest board was abolished by 43.30.070 and all its powers, duties and functions transferred to the department of natural resources, the section is repealed without reenactment.

Chapter 43.65 Board of State Land Commissioners

Note: Sections 43.65.010 through 43.65.050 and 43.65.060 through 43.65.080 have been omitted from the reenactment bill as the parent act, 1927 c 255, has been restored and is codified in Title 79. They will be recodified in Title 79 in their session law order and language upon publication of the 1965 supplement to RCW.
Sections 43.65.052 and 43.65.053 relating to relocation of harbor lines are decodified and will be footnoted following 79.01.424 (now codified as 43.65.050) upon publication of the 1965 supplement to RCW.

Chapter 43.67 Board of Prison Terms and Paroles

Note: The sections comprising this chapter relate to the appointment, composition, and certain duties of the board of prison terms and paroles. As the powers and duties of the board are set forth in chapter 9.95 which has the same legislative source, the sections are not included in the reenactment bill, are not repealed, and will be recodified in chapter 9.95 upon publication of the 1965 supplement to RCW.

Chapter 43.68 Board of Dental Examiners

Note: The sections comprising this chapter relate to the appointment, composition, and organization of the board of dental examiners. As the powers and duties of the board are set forth in chapter 18.32 which has the same legislative source, the sections are not included in the reenactment bill, are not repealed, and will be recodified in chapter 18.32 upon publication of the 1965 supplement to RCW.

Chapter 43.69 Board of Pharmacy

Note: The sections comprising this chapter relate to the appointment, composition, certain powers and duties, and organization of the state board of pharmacy. As powers and duties of the board are

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note.

set forth in chapter 18.64 which has the same legislative source, the sections are not included in the reenactment bill, are not repealed, and will be recodified in chapter 18.64 upon publication of the 1965 supplement to RCW.

Chapter 43.74 Basic Science Law

- 43.74.005 Source—[1955 c 192 § 2.]
- 43.74.010 Source—[1955 c 192 § 3; 1927 c 183 § 1; RRS § 10185-1.]
“Washington State College” to “Washington State University”.
- 43.74.015 Source—[1955 c 192 § 4.]
- 43.74.020 Source—[1955 c 192 § 5; 1927 c 183 § 2; RRS § 10185-2.]
- 43.74.025 Source—[1955 c 192 § 6.]
- 43.74.030 Source—[1955 c 192 § 8; 1927 c 183 § 3; RRS § 10185-3.]
“Washington State College” to “Washington State University”.
- 43.74.035 Source—[1955 c 192 § 9.]
- 43.74.040 Source—[1955 c 192 § 7; 1927 c 183 § 4; RRS § 10185-4.]
- 43.74.050 Source—[1927 c 183 § 5; RRS § 10185-5.]
- 43.74.060 Source—[1927 c 183 § 6; RRS § 10185-6.]
A sixth basic science, bacteriology, was added by 1955 c 192 § 2 (RCW 43.74.005). It has been inserted in this section also.
- 43.74.065 Source—[1955 c 192 § 10.]
- 43.74.075 Source—[1955 c 192 § 11.]
- 43.74.080 Source—[1955 c 192 § 12; 1927 c 183 § 8; RRS § 10185-8.]
“(1955 c 192 effective date was June 8, 1955; 1927 c 183 effective date was June 8, 1927)” inserted following “effective date of this chapter”.
- 43.74.090 Source—[1955 c 192 § 13.]
- 43.74.900 Source—[1955 c 192 § 1.]
- 43.74.910 Source—[1955 c 192 § 15.]
This severability clause omitted from reenactment bill as covered by severability clause in general construction sections.

Chapter 43.76 State Building Financing Authority

Note: The state building financing authority act (1955 1st ex.s. c 12) was declared unconstitutional in *State ex rel. Washington state building authority v. Yelle*, 47 Wn. (2d) 705. As the act has not been repealed by the legislature it is included in the reenactment bill.

- 43.76.010 Source—[1955 1st ex.s. c 12 § 2.]
- 43.76.020 Source—[1955 1st ex.s. c 12 § 3.]
- 43.76.030 Source—[1955 1st ex.s. c 12 § 14.]
- 43.76.040 Source—[1955 1st ex.s. c 12 § 4.]
- 43.76.050 Source—[1955 1st ex.s. c 12 § 5.]
- 43.76.060 Source—[1955 1st ex.s. c 12 § 6.]
- 43.76.070 Source—[1955 1st ex.s. c 12 § 7.]
- 43.76.080 Source—[1955 1st ex.s. c 12 § 8.]
- 43.76.090 Source—[1955 1st ex.s. c 12 § 9.]
- 43.76.100 Source—[1955 1st ex.s. c 12 § 10.]
- 43.76.110 Source—[1955 1st ex.s. c 12 § 11.]
- 43.76.120 Source—[1955 1st ex.s. c 12 § 12.]
- 43.76.130 Source—[1955 1st ex.s. c 12 § 13.]
- 43.76.140 Source—[1955 1st ex.s. c 12 § 15.]
- 43.76.150 Source—[1955 1st ex.s. c 12 § 16.]
- 43.76.160 Source—[1955 1st ex.s. c 12 § 17.]
- 43.76.170 Source—[1955 1st ex.s. c 12 § 18.]
- 43.76.180 Source—[1955 1st ex.s. c 12 § 19.]
- 43.76.190 Source—[1955 1st ex.s. c 12 § 23.]
- 43.76.500 Source—[1955 1st ex.s. c 13 § 1.]
- 43.76.510 Source—[1955 1st ex.s. c 13 § 2.]
- 43.76.520 Source—[1955 1st ex.s. c 13 § 3.]
- 43.76.900 Source—[1955 1st ex.s. c 12 § 1.]
“(1955 1st ex.s. c 12)” inserted following “this act”.

- 43.76.910 Source—[1955 1st ex.s. c 12 § 20.] Explanatory
 43.76.920 Source—[1955 1st ex.s. c 12 § 21.] note.
 43.76.930 Source—[1955 1st ex.s. c 12 § 22.]
 Severability clause included in reenactment bill as this is not
 the standard clause. "(1955 1st ex.s. c 12)" inserted following
 "this act".

Chapter 43.77 Printing and Duplicating Committee

- 43.77.010 Source—[1959 c 238 § 1.]
 43.77.020 Source—[1959 c 238 § 2.]
 43.77.030 Source—[1959 c 238 § 3.]
 43.77.040 Source—[1959 c 238 § 4.]
 "(June 10, 1959)" inserted after "effective date of this chapter".
 43.77.050 Source—[1959 c 238 § 5.]

Chapter 43.78 Public Printer—Public Printing

Note: RCW 43.78.040, 43.78.050, 43.78.060, 43.78.070, 43.78.100, and 43.78.120 relate either totally or in part to powers and duties of the governor and the budget director in regard to approval of public printing bills of the various agencies. The procedure set forth in these sections is a pre-audit procedure which was developed upon agency heads by the budget and accounting act. RCW 43.88.160(2) of that act provides in part that "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 budget director. 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 and the treasurer shall not be liable under his surety bond for erroneous or improper payments so made." In construing the effect of the 1959 budget and accounting act on earlier legislation our court stated in *Yelle v. Bishop*, 55 Wn. (2d) 286, 301, 347 P. (2d) 1081 "The legislature sought by chapter 328 to create a complete system for carrying out a specific governmental function. This is decisive of the legislative intent to make the later enactment the law on the subject and earlier legislation is necessarily repealed by implication." The various sections of this chapter have been edited or deleted to reflect these changes.

- 43.78.010 Source—[1905 c 168 § 1; RRS § 10323.]
 43.78.020 Source—[1933 c 97 § 4; 1905 c 168 § 2; RRS § 10324.]
 43.78.030 Source—[1959 c 88 § 1; 1917 c 129 § 1; 1915 c 27 § 2; 1905 c 168 § 3; RRS § 10325.]
 43.78.040 Source—[1905 c 168 § 4; RRS § 10326.]
 The section has been changed to reflect the devolution of the pre-audit function to agency heads as follows:
 "43.78.040 Requisitions. All printing and binding shall be done under the general superintendence of the authorities ordering it, and when completed shall be delivered to such authorities, who shall sign receipts therefor.
 Before the public printer shall execute any printing or binding for any office, board, commission, or institution, the proper officer thereof shall apply therefor by requisition."
 43.78.050 Source—[1905 c 168 § 5, part; RRS § 10327.]
 The section has been changed to reflect the devolution of the pre-audit function to agency heads as follows:
 "43.78.050 Itemized statement of charges. Upon delivering a printing or binding job and receiving a receipt therefor the public printer shall make out, and deliver to the requesting agency an itemized statement of charges."

- Explanatory note. 43.78.060 Source—[1917 c 129 § 2; 1905 c 168 § 5, part; RRS § 10328.]
The section involves pre-auditing duties which have devolved upon agency heads and is accordingly repealed without reenactment.
- 43.78.070 Source—[1961 c 307 § 5; 1955 c 340 § 12; 1951 c 151 § 1; 1933 c 97 § 3; RRS § 10327-2.]
The section has been changed to reflect the devolution of the pre-audit function upon agency heads as follows:
“43.78.070 Use of state plant—Conditions—Public printer's salary. The public printer shall use the state printing plant, upon the following conditions, to wit:
(1) He shall do the public printing, and charge therefor the fees as provided by law. He may print the Washington reports for the publishers thereof under a contract approved in writing by the governor.
(2) The gross income of the public printer shall be deposited in an account designated ‘state printing plant revolving fund’ in depositories approved by the state treasurer, and shall be disbursed by the public printer by check and only as follows:
First in payment of the actual cost of labor, material, supplies, replacements, repairs, water, light, heat, telephone, rent, and all other expenses necessary in the operation of the plant: *Provided*, That no machinery shall be purchased except on written approval of the governor;
Second, in payment of the cost of reasonable insurance upon the printing plant, payable to the state and of all fidelity bonds required by law of the public printer;
Third, in payment to the public printer of a salary which shall be fixed by the governor in accordance with the provisions of RCW 43.03.040;
Fourth, in remitting the balance to the state treasurer for the general fund: *Provided*, That a reasonable sum to be determined by the governor, the public printer, and the director of budget shall be retained in the fund for working capital for the public printer.”
- 43.78.080 Source—[1955 c 16 § 1; 1943 c 124 § 1; 1935 c 130 § 1; 1919 c 37 § 1; 1917 c 129 § 3; 1905 c 168 § 6; RRS § 10329.]
- 43.78.090 Source—[1935 c 130 § 2; 1919 c 37 § 2; 1907 c 174 § 1; RRS § 10330.]
- 43.78.100 Source—[1917 c 129 § 5; 1905 c 168 § 9; RRS § 10333.]
The last sentence of the section refers to pre-audit duties of the director of budget which were transferred to the agency heads by the budget and accounting act and is therefore deleted.
- 43.78.110 Source—[1935 c 130 § 3; RRS § 10333-1.]
- 43.78.120 Source—[1917 c 129 § 6; 1905 c 168 § 10; RRS § 10334.]
The section involves pre-auditing duties which have devolved to agency heads and is accordingly repealed without reenactment.
- 43.78.130 Source—[1919 c 80 § 1; RRS § 10335.]
- 43.78.140 Source—[1919 c 80 § 2; RRS § 10336.]
- 43.78.150 Source—[1953 c 287 § 1; 1919 c 80 § 3; RRS § 10337.]
- 43.78.160 Source—[1919 c 80 § 4; RRS § 10338.]

Chapter 43.79 State Funds

- 43.79.010 Source—[1907 c 8 § 1; RRS § 5509.]
- 43.79.020 Source—[1921 c 81 § 1; RRS § 5511.]
Section prefaced by “Except as otherwise provided by law”, as all fees for the issuance of licenses on examination and expenses incurred are not paid into and paid from the general fund.

- 43.79.030 Source—[1911 c 69 § 1; RRS § 5528.] Explanatory note.
 The session law section was a part of a five-section act which created the funds set out in 43.79.040, levied a property tax for the "institutions of higher education", and placed the receipts in the funds created. Since the property tax is no longer levied as the state levy is limited to two mills for public assistance purposes (84.52.050), the section has no value and is not included in the reenactment bill and is not repealed.
- 43.79.040 Source—[(i) 1911 c 69 § 2; RRS § 5529. (ii) 1911 c 69 § 3; RRS § 5530. (iii) 1947 c 18 § 1; RRS § 5532-1. (iv) 1947 c 19 § 1; RRS § 5532-10. (v) 1947 c 20 § 1; RRS § 5532-20.]
 The funds set forth in this section were created by 1911 c 69 § 2, were renamed by 1947 chapters 18, 19, and 20, and were abolished and the moneys transferred to the general fund. See 43.79.071-43.79.075, 43.79.141-43.79.145, 43.79.310-43.79.314, 43.79.320-43.79.324.
 The 1941 Code Committee rewrote the last paragraph to enlarge its scope so that any "taxes levied" would be paid into the created funds. The session law (1911 c 69 § 3) states that the "moneys arising from the tax herein directed to be levied" be paid into the funds. The tax referred to is no longer levied by the state.
 The section is not included in the reenactment bill and is not repealed as the funds created are abolished and the tax is no longer levied.
- 43.79.050 Source—[1911 c 69 § 5; RRS § 5532.]
 The session law section states that the "money produced by such tax" shall be used for specified purposes. As the tax is no longer levied the section has no application, is not included in the reenactment bill, and is not repealed.
- 43.79.060 Source—[1907 c 168 § 1; RRS § 5518.]
- 43.79.070 Added by reviser.
 This section has no session law source and is not included in the reenactment bill and the RCW section is repealed. The "University of Washington fund" was abolished by 1955 c 332 § 3 (43.79.073) and its moneys transferred to the state general fund by 1955 c 332 § 1 (43.79.071).
- 43.79.071 Source—[1955 c 332 § 1.]
- 43.79.072 Source—[1955 c 332 § 2.]
- 43.79.073 Source—[1955 c 332 § 3.]
- 43.79.074 Source—[1955 c 332 § 4.]
- 43.79.075 Source—[1955 c 332 § 5.]
- 43.79.080 Source—[1915 c 66 § 1; RRS § 5535.]
 Name of fund changed to "University of Washington building account in the general fund".
- 43.79.090 Source—[1915 c 66 § 7; RRS § 5536.]
 "University of Washington building fund" to "University of Washington building account in the general fund".
- 43.79.100 Source—[1917 c 11 § 1; RRS § 5525.]
 "the State College of Washington" to "Washington State University".
- 43.79.110 Source—[1901 c 81 § 4; RRS § 5526.]
- 43.79.120 Added by reviser. This section has no statutory background and was apparently created by the 1941 Code Committee as a "bridging-over" from section 16 of the Enabling Act which provided a ninety thousand acres grant for the use and support of the agricultural colleges of this state. The section is included for enactment.
- 43.79.130 Added by reviser. This section has no statutory background. The 1941 Code Committee created the section as the ninety thousand acre grant by section 16 of the Enabling Act was for the use and support of the agricultural colleges of the

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- state and the creation of a permanent fund in the state treasury was apparently needed to handle the moneys derived from the sale of such lands. The fund is currently in existence in the state treasury. The section is included for enactment.
- 43.79.140 Source—[1905 c 43 § 2; RRS § 5521.]
The Washington State College fund was abolished by 1955 c 328 § 3 (RCW 43.79.143) and its moneys transferred to the general fund by 1955 c 328 § 1. As the moneys that would have continued to be credited to the Washington State College fund are still earmarked for the support of Washington State University, 43.79.140 pertaining to the sources of this abolished fund has been preserved. This has been accomplished by striking the first clause of the section down to but not including the colon in line 3 and inserting the following language: "There shall be paid into the state general fund for the support of Washington State University the following moneys:"
- 43.79.141 Source—[1955 c 328 § 1.]
Not included in the reenactment bill and not repealed as temporary and accomplished. See 43.79.140 note.
- 43.79.142 Source—[1955 c 328 § 2.]
Not included in the reenactment bill and not repealed as temporary and accomplished. See 43.79.140 note.
- 43.79.143 Source—[1955 c 328 § 3.]
Not included in the reenactment bill and not repealed as temporary and accomplished. See 43.79.140 note.
- 43.79.144 Source—[1955 c 328 § 4.]
Not included in the reenactment bill and not repealed as temporary and accomplished. See 43.79.140 note.
- 43.79.145 Source—[1955 c 328 § 5.]
Not included in the reenactment bill and not repealed as temporary and accomplished. See 43.79.140 note.
- 43.79.150 Added by reviser. This section has no statutory background and was apparently created by the 1941 Code Committee as a "bridging-over" from section 17 of the Enabling Act which provided a grant of one hundred thousand acres for state normal schools. The section is included for enactment.
- 43.79.160 Added by reviser. This section has no statutory background. As the one hundred thousand acres grant by section 17 of the Enabling Act was for state normal schools, the creation of the "normal school permanent fund" was apparently needed to handle the moneys derived from the sale of such lands. The fund is currently in existence in the state treasury. The section is included for enactment.
- 43.79.170 Source—[1905 c 43 § 3; RRS § 5522.]
As this fund was abolished by 1955 c 331 § 3, it is not included in the reenactment bill and is repealed.
- 43.79.171 Source—[1955 c 331 § 1.]
Not included in the reenactment bill and not repealed as temporary and accomplished. See 43.79.180 note.
- 43.79.172 Source—[1955 c 331 § 2.]
Not included in the reenactment bill and not repealed as temporary and accomplished. See 43.79.180 note.
- 43.79.173 Source—[1955 c 331 § 3.]
Not included in the reenactment bill and not repealed as temporary and accomplished. See 43.79.180 note.
- 43.79.174 Source—[1955 c 331 § 4.]
Not included in the reenactment bill and not repealed as temporary and accomplished. See 43.79.180 note.
- 43.79.175 Source—[1955 c 331 § 5.]
Not included in the reenactment bill and not repealed as temporary and accomplished. See 43.79.180 note.

- 43.79.180 Source—[1905 c 43 § 4; RRS § 5523.]
 The normal school current fund was abolished by 1955 c 331 § 3 (RCW 43.79.173) and its moneys transferred to the general fund by 1955 c 331 § 1 (RCW 43.79.171). As the moneys that would have continued to be credited to the normal school current fund are still earmarked for the support of the state colleges, 43.79.180 pertaining to the sources of this abolished fund is preserved. This has been accomplished by striking the first clause of the section down to but not including the colon in line 3 and inserting the following restatement language:
 “There shall be paid into the state general fund for the use and support of the state colleges of education the following moneys:”
 Explanatory note.
- 43.79.190 Added by reviser. This section has no statutory background. As the language created by the 1941 Code Committee is covered by 1961 c 170 § 1 (RCW 43.79.201), the section is not included in the reenactment bill and the RCW section is repealed.
- 43.79.200 Added by reviser. This section has no statutory background. The fund was abolished by 1961 c 170 § 2 (RCW 43.79.202) and its moneys transferred to the charitable, educational, penal and reformatory account created in the general fund by 1961 c 170 § 1 (RCW 43.79.201) and the permanent status of its moneys removed by Public Law 87-473, approved May 31, 1962. The section is not included in the reenactment bill and the RCW section is repealed.
- 43.79.201 Source—[1961 c 170 § 1.]
- 43.79.202 Source—[1961 c 170 § 2.]
- 43.79.210 Source—[1935 c 63 § 1; RRS § 5536-4.]
- 43.79.220 Source—[1935 c 71 § 1; RRS § 5536-12.]
 The federal experiment station fund was created by 1935 c 71 § 1 to receive the moneys credited to the Adams, Hatch, and Purnell funds which were abolished by 1935 c 71 § 3. The federal experiment station fund was in turn abolished by 1955 c 329 § 3 (RCW 43.79.223) and its moneys transferred to the general fund. The section is not included for reenactment and is repealed.
- 43.79.221 Source—[1955 c 329 § 1.]
 As the federal experiment station fund was abolished, the section is not included in the reenactment bill and is not repealed.
- 43.79.222 Source—[1955 c 329 § 2.]
 As the federal experiment station fund was abolished, the section is not included in the reenactment bill and is not repealed.
- 43.79.223 Source—[1955 c 329 § 3.]
 As the federal experiment station fund was abolished, the section is not included in the reenactment bill and is not repealed.
- 43.79.224 Source—[1955 c 329 § 4.]
 As the federal experiment station fund was abolished, the section is not included in the reenactment bill and is not repealed.
- 43.79.250 Source—[1945 c 243 § 2; Rem. Supp. 1945 § 5517-11.]
- 43.79.260 Source—[1945 c 243 § 3; Rem. Supp. 1945 § 5517-12.]
- 43.79.270 Source—[1945 c 243 § 4; Rem. Supp. 1945 § 5517-13.]
- 43.79.280 Source—[1945 c 243 § 5; Rem. Supp. 1945 § 5517-14.]
- 43.79.300 Source—[1955 c 333 § 1.]
- 43.79.301 Source—[1955 c 333 § 2.]
- 43.79.302 Source—[1955 c 333 § 3.]
- 43.79.303 Source—[1955 c 333 § 4.]

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- 43.79.304 Source—[1955 c 333 § 5.]
“Central Washington College of Education” to “Central Washington State College”.
- 43.79.310 Source—[1955 c 334 § 1.]
- 43.79.311 Source—[1955 c 334 § 2.]
- 43.79.312 Source—[1955 c 334 § 3.]
- 43.79.313 Source—[1955 c 334 § 4.]
- 43.79.314 Source—[1955 c 334 § 5.]
“Eastern Washington College of Education” to “Eastern Washington State College”.
- 43.79.320 Source—[1955 c 335 § 1.]
- 43.79.321 Source—[1955 c 335 § 2.]
- 43.79.322 Source—[1955 c 335 § 3.]
- 43.79.323 Source—[1955 c 335 § 4.]
- 43.79.324 Source—[1955 c 335 § 5.]
“Western Washington College of Education” to “Western Washington State College”.
- 43.79.330 Source—[1959 c 273 § 6; 1957 c 115 § 6; 1955 c 370 § 1.]
In subdivision (24) “State College of Washington building account” to “Washington State University Building Account” in accordance with 43.79.355.
- 43.79.331 Source—[1955 c 370 § 2.]
- 43.79.332 Source—[1955 c 370 § 3.]
- 43.79.333 Source—[1955 c 370 § 4.]
- 43.79.334 Source—[1955 c 370 § 5.]
- 43.79.335 Source—[1961 1st ex.s. c 11 § 3.]
- 43.79.340 Source—[1955 c 330 § 1.]
- 43.79.341 Source—[1955 c 330 § 2.]
- 43.79.342 Source—[1955 c 330 § 3.]
- 43.79.343 Source—[1955 c 330 § 4.]
- 43.79.350 Source—[1955 c 226 § 1.]
- 43.79.360 Source—[1955 c 226 § 2.]
- 43.79.370 Source—[1955 c 226 § 3.]
“state auditor” to “state treasurer” as the state treasurer issues warrants under the budget and accounting act.
- 43.79.381 Source—[1957 c 115 § 2.]
- 43.79.390 Source—[1957 c 226 § 1.]
- 43.79.391 Source—[1957 c 226 § 2.]
- 43.79.392 Source—[1957 c 226 § 3.]
- 43.79.393 Source—[1957 c 226 § 4.]

Chapter 43.80 Fiscal Agency

- 43.80.010 Source—[1895 c 141 § 1; RRS § 5488.]
- 43.80.020 Source—[1895 c 141 § 2; RRS § 5489.]
- 43.80.030 Source—[1961 c 164 § 1; 1895 c 141 § 3; RRS § 5490.]
- 43.80.040 Source—[1961 c 164 § 2; 1895 c 141 § 4; RRS § 5491.]
- 43.80.050 Source—[1895 c 141 § 5; RRS § 5492.]
- 43.80.060 Source—[1895 c 141 § 6; RRS § 5493.]
The 1941 Code Committee rewrote the session law section to require the fiscal officers to transmit within twelve days of maturity “sufficient moneys” to pay bonds or coupons while the session law requires that fiscal officers transmit “sufficient moneys out of any funds in the hands of any such treasurer or other officer applicable to such purpose for the payment of such bonds or coupons”. The session law language is restored.

Chapter 43.82 State Agency Housing

- 43.82.010 Source—[1961 c 184 § 1; 1959 c 255 § 1.]
- 43.82.020 Source—[1961 c 184 § 2; 1959 c 255 § 2.]
- 43.82.030 Source—[1959 c 255 § 3.]
- 43.82.040 Source—[1961 c 184 § 3; 1959 c 255 § 4.]

- 43.82.050 Source—[1959 c 255 § 5.] Explanatory
 43.82.060 Source—[1959 c 255 § 6.] note.
 43.82.070 Source—[1959 c 255 § 7.]
 43.82.080 Source—[1959 c 255 § 8.]
 43.82.090 Source—[1959 c 255 § 9.]
 43.82.100 Source—[1959 c 255 § 10.]

This is an appropriation section and is not included in the reenactment bill and is not repealed.

- 43.82.110 Source—[1961 c 184 § 4; 1959 c 255 § 11.]
 43.82.120 Source—[1961 c 184 § 5; 1959 c 255 § 12.]
 43.82.125 Source—[1961 c 184 § 6.]
 43.82.130 Source—[1959 c 255 § 13.]
 43.82.140 Source—[1961 c 184 § 7.]
 43.82.900 Source—[1959 c 255 § 14.]

This severability clause is not included in the reenactment bill as covered by the general severability clause in the construction sections.

Chapter 43.83 Capital Improvements

- 43.83.010 Source—[1959 1st ex.s. c 9 § 1.]
 43.83.020 Source—[1959 1st ex.s. c 9 § 2.]
 43.83.030 Source—[1959 1st ex.s. c 9 § 3.]
 43.83.040 Source—[1959 1st ex.s. c 9 § 4.]
 43.83.050 Source—[1959 1st ex.s. c 9 § 5.]
 43.83.060 Source—[1961 1st ex.s. c 23 § 1.]
 43.83.062 Source—[1961 1st ex.s. c 23 § 2.]
 43.83.064 Source—[1961 1st ex.s. c 23 § 3.]
 43.83.066 Source—[1961 1st ex.s. c 23 § 4.]
 43.83.068 Source—[1961 1st ex.s. c 23 § 5.]

Chapter 43.84 Investments and Interfund Loans

- 43.84.010 Source—[1935 c 76 § 1; 1907 c 12 § 4; 1903 c 95 § 1; 1897 c 89 § 69; 1895 c 178 § 44; 1893 c 125 § 25; 1890 p 399 § 17; RRS § 5539.]
 "state auditor" to "state treasurer" as the warrant issuing responsibility was transferred to the state treasurer by the budget and accounting act.
 43.84.020 Source—[1899 c 44 § 1; RRS § 5540.]
 43.84.030 Source—[1901 c 179 § 1; 1899 c 44 § 2; RRS § 5541.]
 "state auditor" to "budget director"
 43.84.040 Source—[1899 c 44 § 3; RRS § 5542.]
 43.84.050 Source—[1899 c 44 § 4; RRS § 5543.]
 43.84.060 Source—[1899 c 44 § 5; RRS § 5544.]
 43.84.070 Source—[1899 c 44 § 6; RRS § 5545.]
 43.84.080 Source—[1961 c 281 § 11; 1955 c 197 § 1; 1935 c 91 § 1; RRS § 5508-1.]
 43.84.090 Source—[1935 c 91 § 2; RRS § 5508-2.]
 43.84.095 Source—[1953 c 56 § 1.]
 43.84.100 Source—[1915 c 15 § 1; RRS § 5507.]
 43.84.110 Source—[1915 c 15 § 2; RRS § 5508.]
 43.84.120 Source—[1951 c 232 § 2.]
 43.84.130 Source—[1951 c 232 § 1.]
 43.84.140 Source—[1959 c 150 § 1.]

Chapter 43.85 State Depositaries

- 43.85.010 Source—[1935 c 139 § 1; 1927 c 304 § 1; 1907 c 37 § 1; RRS § 5548.]
 The records of the state finance committee were required to be kept in the office of the state auditor under 1907 c 12 § 2 (43.33.030). When the auditor was removed as a member of the committee in 1961, this section was amended to provide that the committee keep its own records in its own offices (1961 c 300 § 4; 43.33.030). Thus "state auditor" changed to "committee" to reflect this change.

Explanatory
note.

- 43.85.020 Source—[1907 c 37 § 7; RRS § 5554.]
 43.85.030 Source—[1955 c 78 § 1; 1945 c 129 § 1; 1939 c 146 § 1; 1935 c 139 § 2; 1931 c 87 § 1; 1909 c 151 § 1; 1907 c 37 § 2; Rem. Supp. 1945 § 5549.]
 43.85.040 Source—[1909 c 151 § 2; 1907 c 37 § 5; RRS § 5552.]
 43.85.050 Source—[1907 c 37 § 3; RRS § 5550.]
 43.85.060 Source—[1907 c 37 § 6; RRS § 5553.]
 43.85.070 Source—[1945 c 129 § 2; 1943 c 134 § 1; 1935 c 139 § 3; 1931 c 87 § 2; 1907 c 37 § 4; Rem. Supp. 1945 § 5551.]
 43.85.080 Source—[1945 c 71 § 1; Rem. Supp. 1945 § 5549-1.]
 43.85.090 Source—[1945 c 71 § 2; Rem. Supp. 1945 § 5549-2.]
 43.85.100 Source—[1945 c 71 § 3; Rem. Supp. 1945 § 5549-3.]
 43.85.110 Source—[1945 c 71 § 4; Rem. Supp. 1945 § 5549-4.]
 43.85.120 Source—[1945 c 71 § 5; Rem. Supp. 1945 § 5549-5.]
 43.85.130 Source—[(1) 1911 c 51 § 1; RRS § 5555. (ii) 1909 c 133 § 1, part; 1907 c 96 § 1, part; RRS § 5501, part.]
 “board of state land commissioners” to “department of natural resources”.
 43.85.140 Source—[1911 c 51 § 2; RRS § 5556.]
 43.85.150 Source—[1911 c 51 § 3; RRS § 5557.]
 43.85.160 Source—[1935 c 60 § 1; 1911 c 51 § 4; RRS § 5558.]
 43.85.170 Source—[1911 c 51 § 5; RRS § 5559.]
 43.85.180 Source—[1911 c 51 § 6.]
 43.85.190 Source—[1955 c 198 § 1.]
 43.85.200 Source—[1955 c 198 § 2.]
 43.85.210 Source—[1955 c 198 § 3.]
 43.85.220 Source—[1955 c 198 § 4.]
 43.85.230 Source—[1955 c 198 § 5.]
 43.85.240 Source—[1955 c 198 § 6.]

Chapter 43.86 State Budget

- 43.86.090 Source—[1925 c 9 § 9; RRS § 10927-9.]
 43.86.100 Source—[1933 c 126 § 1; 1929 c 162 § 6; 1925 c 9 § 10; RRS § 10927-10.]
 43.86.130 Source—[1925 c 9 § 13; RRS § 10927-13.]
 43.86.140 Source—[1953 c 184 § 1; 1925 c 9 § 1; RRS § 10927-1.]

Chapter 43.88 Budget and Accounting System

- 43.88.010 Source—[1959 c 328 § 1.]
 43.88.020 Source—[1959 c 328 § 2.]
 43.88.030 Source—[1959 c 328 § 3.]
 43.88.040 Source—[1959 c 328 § 4.]
 43.88.050 Source—[1959 c 328 § 5.]
 43.88.060 Source—[1959 c 328 § 6.]
 43.88.070 Source—[1959 c 328 § 7.]
 43.88.090 Source—[1959 c 328 § 9.]
 “43.88.110” to “43.88.100” to correct obvious clerical error.
 43.88.100 Source—[1959 c 328 § 10.]
 43.88.110 Source—[1959 c 328 § 11.]
 “Washington State College” to “Washington State University”.
 “Central Washington College of Education” to “Central Washington State College”.
 “Eastern Washington College of Education” to “Eastern Washington State College”.
 “Western Washington College of Education” to “Western Washington State College”.
 43.88.120 Source—[1959 c 328 § 12.]
 43.88.130 Source—[1959 c 328 § 13.]
 43.88.140 Source—[1959 c 328 § 14.]
 43.88.150 Source—[1959 c 328 § 15.]

- 43.88.160 Source—[1959 c 328 § 16.] Explanatory note.
 “Washington State College” to “Washington State University”.
 “Central Washington College of Education” to “Central Washington State College”.
 “Eastern Washington College of Education” to “Eastern Washington State College”.
 “Western Washington College of Education” to “Western Washington State College”.
- 43.88.170 Source—[1959 c 328 § 17.]
- 43.88.180 Source—[1959 c 328 § 18.]
- 43.88.190 Source—[1959 c 328 § 19.]
- 43.88.200 Source—[1959 c 328 § 20.]
- 43.88.210 Source—[1959 c 328 § 21.]
- 43.88.220 Source—[1959 c 328 § 22.]
- 43.88.230 Source—[1959 c 328 § 23.]
- 43.88.240 Source—[1959 c 328 § 24.]
- 43.88.900 Source—[1959 c 328 § 26.]

Not included in reenactment bill as covered by general severability clause in construction sections.

Chapter 43.89 Teletypewriter Communications Network

- 43.89.010 Source—[1963 c 160 § 1.]
- 43.89.020 Source—[1963 c 160 § 2.]
- 43.89.030 Source—[1963 c 160 § 3.]

Chapter 43.91 Automobile Pool

- 43.91.010 Source—[1943 c 225 § 1; Rem. Supp. 1943 § 10964-40.]
- 43.91.020 Source—[1943 c 225 § 2; Rem. Supp. 1943 § 10964-41.]
- 43.91.030 Source—[1943 c 225 § 3; Rem. Supp. 1943 § 10964-42.]
- 43.91.040 Source—[1943 c 225 § 4; Rem. Supp. 1943 § 10964-43.]
- 43.91.050 Source—[1943 c 225 § 5; Rem. Supp. 1943 § 10964-44.]
- 43.91.060 Source—[1943 c 225 § 6; Rem. Supp. 1943 § 10964-45.]
- 43.91.070 Source—[1943 c 225 § 7; Rem. Supp. 1943 § 10964-46.]
- 43.91.080 Source—[1943 c 225 § 8; Rem. Supp. 1943 § 10964-47.]

Chapter 43.92 Geological Survey

- 43.92.010 Source—[1901 c 165 § 1; 1890 p 647 § 1; 1890 p 249 § 1; RRS § 5993.]
 “director of conservation and development” to “director of conservation”.
- 43.92.020 Source—[1901 c 165 § 2; 1890 p 249 § 3; 1890 p 648 §§ 3, 4, 5, 6, 7; RRS § 5994.]
- 43.92.030 Source—[1901 c 165 § 3; RRS § 5995.]
 “director of conservation and development” to “director of conservation”.
- 43.92.040 Source—[1901 c 165 § 4; RRS § 5996.]
- 43.92.050 Source—[1901 c 165 § 5; RRS § 5997.]
 “the Washington State College” to “Washington State University”.
- 43.92.060 Source—[1903 c 157 § 1; 1901 c 165 § 6; RRS § 5998.]
- 43.92.070 Source—[1909 c 245 § 1; RRS § 5999.]
- 43.92.080 Source—[1909 c 245 § 3; RRS § 6000.]

Chapter 43.93 Processing Plants

This statute providing for food processing plants appears to be of a temporary nature and was apparently part of a public relief program during the later part of the great depression and for the conservation of food during the war years. The legislature continued to appropriate moneys from the cannery revolving fund until 1947 when this fund was abolished by 1947 c 175 and its moneys transferred to the general fund.

The department of institutions reports that the food processing plants authorized to be established under the provisions of this chapter

Explanatory
note.

are no longer in operation and have not been for several years. The processing of food by the department of institutions is done under the authority of the institutional industries commission (chapter 72.60) and is done solely as institutional enterprises.

The central budget agency reports that to their knowledge the only food processing being done by the state is by the department of institutions.

The chapter is not reenacted and is repealed.

43.93.010—43.93.080 Source—[1939 c 120; RRS § 10964-11-18.]

Repealed without reenactment.

Chapter 43.96 World Fair Commission—Century 21 Exposition

Note: The sections set forth in this chapter are temporary in nature and appear to be of historical interest only. These sections are decodified by not including them in the reenactment bill but they are not repealed. The provisions of 1963 c 247 included in the footnote are continued uncodified as they are temporary as well.

43.96.010 Source—[1955 c 307 § 1.]

43.96.020 Source—[1961 c 152 § 5; 1959 c 109 § 1; 1957 c 15 § 1; 1955 c 307 § 2.]

43.96.030 Source—[1957 c 15 § 2; 1955 c 307 § 3.]

43.96.040 Source—[1957 c 15 § 3.]

43.96.050 Source—[1957 c 15 § 4.]

43.96.060 Source—[1959 c 109 § 2.]

43.96.070 Source—[1961 c 129 § 1.]

Chapter 43.97 Columbia River Gorge Commission

43.97.010 Source—[1959 c 74 § 1.]

43.97.020 Source—[1959 c 74 § 2.]

43.97.030 Source—[1959 c 74 § 3.]

43.97.040 Source—[1959 c 74 § 4.]

43.97.050 Source—[1959 c 74 § 5.]

Chapter 43.98 Outdoor Recreational Facilities

43.98.010 Source—[1963 1st ex.s. c 12 § 1.]

43.98.020 Source—[1963 1st ex.s. c 12 § 2.]

43.98.030 Source—[1963 1st ex.s. c 12 § 3.]

43.98.040 Source—[1963 1st ex.s. c 12 § 4.]

43.98.050 Source—[1963 1st ex.s. c 12 § 5.]

43.98.060 Source—[1963 1st ex.s. c 12 § 6.]

43.98.070 Source—[1963 1st ex.s. c 12 § 7.]

43.98.090 Source—[1963 1st ex.s. c 12 § 10.]

43.98.100 Source—[1963 1st ex.s. c 12 § 11.]

Referendum to the people section. Not included in the reenactment bill and not repealed.

Chapter 43.198 Construction

43.198.010 This section added to preserve continuity.

43.198.020 This section provides that title, chapter, section and subsection headings are not part of the law.

43.198.030 Severability.

43.198.040 Repeals and saving.

Except as noted in the section by section comment, the laws set forth in the schedule of repeals were either previously repealed, or are substantially reenacted by this bill.

43.198.050 Emergency clause.

CHAPTER 9.

[Senate Bill No. 5.]

AN ACT relating to state and local government; enacting a title of the Revised Code of Washington to be known as Title 29—Elections; providing penalties; repealing certain acts and parts of acts; and declaring an emergency.

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

TITLE 29

ELECTIONS

Chapter 29.01

DEFINITIONS

29.01.005 Scope of definitions. Words and phrases as defined in this chapter, wherever used in Title 29, shall have the meaning as in this chapter ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part.

29.01.010 “City clerk.” “City clerk” includes every officer, by whatever name designated, who performs the functions usually performed by a city or town clerk.

29.01.020 “City council.” “City council” includes the governing body of any city or town, by whatever name it may be designated.

29.01.030 “City precinct.” A “city precinct” is a voting precinct lying wholly or partly within a city or town.

29.01.040 “Constituency.” A “constituency” is a body of voters having the right to take part in the election of a specific public officer or group of public officers.

29.01.050 “Election.” “Election” when used alone means a general election except where the context indicates that a special election is meant. “Election” when used without qualification never means a primary election.

29.01.060 “Election officer.” “Election officer” includes any officer who has a duty to perform relating to elections under the provisions of any statute, charter, or ordinance.

29.01.070 "General election." "General election" means an election required to be held on a fixed date recurring at regular intervals.

29.01.080 "Infamous crime." An "infamous crime" is a crime punishable by death or imprisonment in the state penitentiary.

29.01.090 "Major political party." "Major political party" means:

(1) In a state-wide election, a political party of which at least one nominee received at least ten percent of the total vote cast at the last preceding state-wide general election;

(2) In an election by a constituency confined to a political subdivision of the state, a political party of which at least one nominee received at least ten percent of the total vote cast in that political subdivision at the last preceding general election by that constituency;

(3) In a city or town election, a political party of which at least one nominee received at least ten percent of the total vote cast in the last preceding general city or town election therein.

29.01.100 "Minor political party." "Minor political party" means a political organization other than a major political party.

29.01.110 "Measures." "Measure" includes any proposition or question submitted to the voters of any specific constituency.

29.01.120 "Precinct." "Precinct" means a geographical subdivision for voting purposes within or without the limits of a city or town, whether established by a board of county commissioners, by a city council, or by the board of supervisors of a township.

29.01.130 "Primary." "Primary" or "primary election" means a statutory procedure for nominating candidates to public office at the polls.

29.01.140 "Residence." "Residence" for the purpose of registering and voting means a person's permanent address where he physically resides and maintains his abode: *Provided*, That no person gains or loses his residence by reason of his presence or absence:

(1) While employed in the service of the United States;

(2) While engaged in the navigation of the waters of this state or the United States or the high seas;

(3) While a student at any seminary of learning;

(4) While kept in any almshouse or asylum; nor

(5) While confined in any public prison except when serving out a sentence for an infamous crime.

Absence from the state on business shall not affect the question of residence of any person unless the right to vote has been claimed or exercised elsewhere.

29.01.150 "Rural precinct." "Rural precinct" means a voting precinct lying wholly outside the limits of a city or town.

29.01.160 "September primary." "September primary" means the primary election held in September to nominate candidates to be voted for at the ensuing election.

29.01.170 "Special election." "Special election" means any election that is not a general election.

Chapter 29.04

GENERAL PROVISIONS

29.04.010 Only registered voters may vote—Exception. Only a registered voter shall be permitted to vote:

- (1) At any election held for the purpose of electing persons to public office;
- (2) At any recall election of a public officer;
- (3) At any election held for the submission of a measure to any voting constituency;
- (4) At any primary election.

The provisions of this section shall not apply to township elections.

29.04.020 County auditor designated supervisor of certain elections. The county auditor of each county shall be ex officio the supervisor of all elections, general or special, and it shall be his duty to provide places for holding such elections; to appoint the precinct election officers; to provide for their compensation; to provide ballot boxes and ballots or voting machines, poll books and tally sheets, and deliver them to the precinct election officers at the polling places; to publish and post notices of calling such elections in the manner provided by law, and to apportion to each city, town, or district, its share of the expense of such elections: *Provided*, That this section shall not apply to general or special elections for any city, town, or district which is not subject to RCW 29.13.020 and 29.13.030, but all such elections shall be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and certifications by local officers) as provided and required by the laws governing such elections.

29.04.030 Prevention and correction of election frauds and errors. Any judge of the supreme court or 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 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 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 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 has occurred or is about to occur.

29.04.040 Creating new precincts. No precinct shall contain more than three hundred voters. If at any election three hundred or more votes are cast at any voting place, the inspector shall report that fact to the city council, if it is a precinct lying within a first class city or to the board of county commissioners if it is any other precinct. Between the first Tuesday after the first Monday in November and December 31st of the same year, the city council of the first class city or the board of county commissioners, as the case may be, shall divide such precincts into two or more precincts with two hundred fifty voters or less in each precinct.

On petition of ten or more voters resident more than ten miles from any place of election, the board of county commissioners shall establish a separate voting precinct therefor.

The board of county commissioners of each county in the state hereafter formed shall, at their first session, divide their respective counties into election precincts with two hundred fifty voters or less and establish the boundaries of the same; the county auditor shall thereupon designate the voting place for each such precinct.

29.04.050 Restrictions on precinct boundaries. Every voting precinct must be established so that it lies wholly within one senatorial or representative district and wholly within one county commissioner district.

29.04.055 Combining or dividing precincts—County, city, town, district, elections. At any primary, regular, or special county, city, town, or district election, the election authority of any such municipality or district may combine, unite, or divide precincts for the purpose of holding such election: *Provided*, That in the event such election shall be held upon the day of any state primary or state general election this section shall not apply.

29.04.060 Publication of election laws by secretary of state. In every year in which state and county officers are to be elected, the secretary of state shall cause the election laws of the state then in force to be published in pamphlet form and distributed through the county auditors at least twenty days prior to the primary next preceding the election in sufficient number to place a copy thereof in the hands of all officers of elections.

29.04.070 Secretary of state designated chief election officer. The secretary of state through his election division shall be the chief election officer for all federal, state, county, city, town, and district elections and it shall be his duty to keep records of such elections held in the state and to make such records available to the public upon request.

29.04.080 Secretary of state to make rules and regulations. The secretary of state shall make rules and regulations not inconsistent with the federal, state, county, city, town, and district election laws to facilitate the execution of their provisions in an orderly manner and to that end shall assist local election officers by devising uniform forms and procedures.

Chapter 29.07

REGISTRATION OF VOTERS

29.07.010 County auditor as registrar in rural precincts—Deputy registrars. The county auditor of each county shall be the registrar of voters for all rural precincts. He shall appoint a deputy registrar from time to time for each precinct or for any number of precincts and may appoint city or town clerks as deputy registrars to register voters residing in rural precincts that are adjacent to the city or town concerned. A deputy registrar must be a registered voter and shall hold office at the pleasure of the county auditor.

29.07.020 City clerk as registrar in city precincts. The city clerk shall be the registrar of voters in all city precincts. In the case of city precincts lying partly within and partly without the city or town limits, the voters within and those without the city or town limits shall be registered in separate registration files.

29.07.030 Expense of registration. The expense of registration in all rural precincts shall be paid by the county; in all precincts lying wholly within a city or town by the city or town. In precincts lying partly within and partly outside of a city or town, the expense of registration shall be apportioned between the county and city or town according to the number of voters registered in the precinct

living within the city or town and the number living outside of it.

29.07.040 Fees and compensation of registration officers. Each deputy registrar of a rural precinct or precincts, including city or town clerks so deputized, shall be entitled to receive a fee of not less than twenty cents, the exact fee to be set by the board of county commissioners, for each elector registered: *Provided*, That no employee of the county receiving a salary shall be entitled to such fees.

The compensation of registrars of city precincts shall be provided by the governing body thereof: *Provided*, That each deputy registrar shall be entitled to receive a fee of not less than twenty cents for each elector registered.

The fees and expenses of registrars of city precincts for delivering the registration files to the polling places or to the county auditor, as the case may be, shall be fixed and paid as election expenses by the board of county commissioners, but mileage in no case shall exceed ten cents per mile for each mile necessarily traveled.

29.07.050 Oaths administered to registration officers. Registrars and deputy registrars of voters, and such clerks in his office as a registrar of voters may deputize to take registrations, shall take and subscribe to the following oath or affirmation before taking any registrations: "I, A.B., do swear (or affirm) that I will truly, faithfully and impartially perform my duties as registration officer, to the best of my judgment and abilities, and that I will register no person except upon his personal application before me." This oath shall be administered and certified to by an officer legally authorized to administer oaths, and shall be filed with the registrar.

29.07.060 Oaths administered to voters. A 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."

A registrar and all persons authorized by him to take registrations 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.

29.07.070 Examination of voter as to qualifications. 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) His full name;
- (2) Whether he will be twenty-one years of age on the day of the next election;
- (3) Place of birth;
- (4) Place of residence, street and number, if any, or post office or rural mail route address;
- (5) Occupation;
- (6) Citizenship;
- (7) If a citizen of the United States, 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 has lost his civil rights by reason of being convicted of an infamous crime, and if so, whether such rights have been restored in the manner provided by law;
- (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;
- (19) The place and address of the last former registration of the applicant as a voter in the state.

Answers to all questions shall be inserted on the duplicate registration card.

29.07.080 Entries to be made on registration cards—Oath. If it appears to the satisfaction of the registration officer that the applicant is a qualified elector of a precinct within his jurisdiction, the registration officer shall register the applicant by entering on an original and duplicate registration card, under the proper headings:

- (1) The surname of the applicant, followed by his given name, or names, if any;
- (2) Sex;
- (3) Whether he will be twenty-one years of age on the day of the next election;
- (4) Occupation;
- (5) Whether a native born or naturalized citizen of the United States, or a voter of the Territory 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) The post office address, or street and number address, if any, of the applicant.

He shall then require the applicant to sign an oath on the original and duplicate registration cards, in the following form: "I, the undersigned, do solemnly swear (or affirm) that the foregoing facts touching my qualifications as a voter, entered in my presence by the registration officer, are true"; and the registration officer shall sign and date each of such cards in verification of the fact that the same were 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.

29.07.090 Third cards—Execution on personal application. At the time of registering any voter, each registration officer shall require him to sign his name upon a third card upon which the registrar has entered 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.

29.07.095 Registration of person temporarily residing outside county of residence. Any person temporarily residing outside of the

county of his permanent residence, but within the state of Washington, may register with the registrar or deputy registrar 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 books and other limitations as provided by law. The registrar or deputy registrar administering the oath and receiving the application and registration cards as provided in RCW 29.07.060 through 29.07.090 shall transmit the same to the proper registrar or deputy registrar where the applicant permanently resides for processing in the same manner as though the applicant had 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 registrar 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.

29.07.100 Time and places for registration—Cities and towns. Registration officers in incorporated cities and towns shall keep their respective offices open for registration of voters during the days and hours when the same are open for the transaction of public business: *Provided*, That in cities of the first class, the registrar of voters shall establish on a permanent basis at least one registration office in each legislative district that lies wholly or partially within the city limits by appointing persons as deputy registrars who may register any eligible elector of such city.

Each such deputy registrar shall hold office at the pleasure of the registrar of voters and shall maintain a fixed place, conveniently located, for the registration of voters but nothing in this section shall preclude door-to-door registration including registration from a portable office as in a trailer.

29.07.105 Time and places for registration—Additional temporary facilities in first, second, third class cities. In all cities of the first, second and third class, the governing body shall by ordinance provide for additional temporary registration facilities during the fifteen day period, excepting Sundays, prior to the last day to register in order to be eligible to vote at a state primary election and during the fifteen day period, excepting Sundays, prior to the last day to register in order to be eligible to vote at a state general election by stationing deputy registrars at stores, public buildings

or other temporary locations. The number of such temporary registration places to be so established and the hours to be maintained shall be, in the judgment of the governing body of the city concerned, adequate to afford ample opportunity for all qualified electors to register for voting, but in no event shall there be less than two such temporary registration places so established. Nothing in this section shall preclude door-to-door registration including registration from a portable office as in a trailer.

29.07.110 Time and places for registration—Rural precincts. Every deputy registrar of rural precincts shall keep registration records and supplies at his usual place of residence or usual place of business at reasonable hours and at the end of each week mail to the county auditor the cards of those who have registered during the week: *Provided*, That with the written consent of the county auditor a deputy registrar of rural precincts may designate some centrally located place for registration in lieu of the usual place where registration cards are kept by giving notice thereof in such manner as he may deem expedient stating therein the days and hours when the place will be open for registration: *Provided further*, That such consent of the county auditor may include authorization for door-to-door registration including registration from a portable office as in a trailer and the person or persons so deputized may register all eligible electors residing in any rural precinct within the county concerned.

29.07.120 Third cards—Weekly transmittal. On each Monday next following the registration of any voter each county auditor and city clerk as registrars shall transmit all third cards executed and received in his office during the prior week to the secretary of state for filing in his office. Each lot must be accompanied by the certificate of the registrar that the cards so transmitted are the original third cards, that they were signed by the voters whose names appear thereon and that the voters are registered in the precincts and from the addresses shown thereon.

29.07.130 Third cards—Use and purpose of. The third cards shall be kept on file in the office of the secretary of state in such manner as will be most convenient for, and for the sole purpose of, checking initiative and referendum petitions and mailing pamphlets required for constitutional amendments and by the initiative and referendum procedure. They shall not be open to public inspection or be used for any other purpose.

29.07.140 Specifications for supplies and equipment. The state auditor through the division of municipal corporations shall prescribe the specifications, including style, form, color, quality and

dimensions, for the cards, records, forms, binders and cabinets to be used throughout the registration procedure. He shall notify each county auditor and city clerk what the specifications are, and they must in their procurement and use comply with them: *Provided*, That the specifications for binders and cabinets must be general and not specific as to design.

29.07.150 Precinct registration files—Duplicates. The registration files for each precinct shall consist of cabinets or binders, arranged to permit the insertion and securely fastening therein by means of a lock and key, of cards or records for the separate registration of the individual voters of the precinct, and there shall be prepared for each voter registered two registration cards or records, an original and a duplicate.

The original cards shall be filed alphabetically by the surnames of the voters by precincts and constitute the official registration files of the voters of the various precincts and must contain spaces for recording the dates upon which the voter votes.

The duplicate cards shall bear the same information and signature of the voter but need not contain spaces for recording the voting record. They shall be filed alphabetically without regard to precincts, in the discretion of the registrar, shall be retained in the office of the registrar at all times, and shall not be open to public inspection.

29.07.160 Closing registration files—Transfers—Notice. The registration files of all precincts shall be closed against original registration or transfer for thirty days immediately preceding every election and primary to be held in such precincts, respectively, but they shall remain open for an additional fifteen days for transfers of registration from one precinct within a city or town to another precinct in the same city or town and for transfers of registration from one rural precinct to another rural precinct in the same county.

The county auditor shall give notice of the closing of said files for original registration and transfer by one publication in a newspaper of general circulation in the county at least five days before such closing.

29.07.170 Delivery of registration files. Immediately upon closing his registration files preceding an election, the registration officer having custody thereof shall insert therein his certificate as to the authenticity thereof. He shall then deliver the original registration files for each precinct thus certified to the inspector or one of the judges thereof at the proper polling place before the polls open: *Provided*, That in the case of any general state or county election

the county auditor may require all registration officers to deliver the files to him for delivery thereof by him to the precinct election officers.

29.07.180 Return of registration files after election. The original registration files of each precinct delivered to the precinct election officers for use on the day of an election held in that precinct shall be returned by them to the county auditor or city clerk, as the case may be, upon the completion of the count of the votes cast in the precinct at that election. While in possession of the county auditor or city clerk they shall be open to public inspection under such reasonable rules and regulations as may be prescribed therefor.

Chapter 29.10

REGISTRATION TRANSFERS AND CANCELLATIONS

29.10.010 Transfers within same city or town—Authority—Request. Any registered voter who changes his residence from one address to another within the same city or town, shall have his registration transferred to his new address by sending to the city clerk thereof a signed request stating his present address and the address from which he was last registered, or by appearing in person before a registration officer to have his registration transferred and signing such request.

29.10.020 Transfers, rural to rural in same county—Authority—Request. Any registered voter who changes his residence from one rural precinct to another within the same county, shall have his registration transferred to his new address by sending to the county auditor a signed request stating his present address and precinct, and the address and precinct from which he was last registered, or by appearing in person before him to have his registration transferred, and signing such request.

29.10.030 Transfers—Registrar's duties. The signature of the voter on the request shall be compared with the signature of the voter on the registration cards of such voter, and if it appears that the signatures have been made by the same person, the new place of residence and precinct name or number shall be entered upon both the original and duplicate registration cards of the voter signing such request, and they shall be removed from the files of the precinct of the former residence and inserted in the files of the precinct of the present residence.

29.10.040 Reregistration on other changes of residence. A registered voter who changes his residence from one county to another; or from a city or town to another city or town, or to a rural precinct;

or from a rural precinct to a city or town shall be required to register anew. Before registering anew, the voter shall sign an authorization to cancel his present registration in substantially the following form: "I hereby authorize the cancellation of my registration in precinct of..... (city or town), county or precinct of county." Such authorization shall be filed with the registration officer before whom the voter registers anew, and shall be forwarded promptly to the registrar of the county, or city or town, in which the voter was previously registered. Upon the receipt of such authorization, the registrar of the county, or city or town, where the previous registration was made, shall cause the signature on the authorization to be compared with the signature on the registration cards of such voter, and if it appears that the signatures were made by the same person, the former registration shall be canceled forthwith; but if it shall not so appear, it shall be the duty of the registrar receiving such authorization to notify the registrar of the county, or city or town, forwarding such authorization of the apparent fraud, and the registrar receiving such notification shall cancel the new registration, and note on the cards the reason for such cancellation, and shall notify the person so registered anew, by mail of such cancellation and the reason therefor.

29.10.050 Reregistration upon change of name of voter. Any registered voter who changes his or her name by marriage, or otherwise in the manner provided by law, shall register anew.

29.10.060 Change of precinct boundaries—Transfer of registration. If the boundaries of any city, township, or rural precinct are changed in the manner provided by law, the city clerk, town clerk, or county auditor, as the case may be, shall transfer the registration cards of every registered voter whose place of residence is affected thereby to the files of the proper precinct, noting thereon the name or number of the new precinct, and it shall not be necessary for any registered voter whose residence has been changed from one precinct to another, by a change of boundary, to apply to the registration officer for a transfer of registration. The city clerk, town clerk, or county auditor, as the case may be, shall mail to each registrant in the new precinct a notice that his precinct has been changed from to, and that thereafter he will be entitled to vote in the new precinct, giving the name or number.

29.10.070 Change of city boundaries—Transfer of registration. If any territory lying outside the limits of a city or town is annexed to the city or town, the city clerk thereof shall notify the county auditor of the county, in writing thereof, giving the boundaries of the annexed territory. The county auditor, upon receiving such

notice, shall remove the original and duplicate registration cards of all voters residing within the territory annexed to the city or town from the files and deliver them to the city clerk. The city clerk shall insert such cards in the registration files of the proper precincts of the city or town. The city clerk shall also mail to each registrant in the new precinct a notice that his precinct has been changed from to, and that thereafter he will be entitled to vote in the new precinct, giving the name and number: *Provided*, That if by reason of the fact that the location of the residence of any registered voter as shown upon the registration cards is so indefinite that the city clerk is unable to determine the precinct in which such residence is located, he shall mail a notice thereof to such registered voter, and, if necessary, register him anew.

29.10.080 Cancellation for failure to vote. On the first day of April of each odd-numbered year, or as soon thereafter as is practicable every city clerk, town clerk, and every county auditor shall examine the registration files in his custody, and if, from such examination, he finds that any registered voter has failed, for a period of four years preceding April 1st of said odd-numbered year to vote in at least one election, he shall remove the registration cards of such voter from the original and duplicate files, and cancel the same by entering thereon over his signature the words "canceled for failure to vote for four years" and the date of such cancellation. He shall also notify the voter whose registration has been canceled, by mail, at his last registration address, of the fact that his registration has been canceled, and that he will not be entitled to vote at any election until he has registered anew. No voter's registration shall be canceled if his original registration was made less than four years prior to the cancellation date. The secretary of state shall be notified immediately of all such cancellations.

29.10.090 Cancellation for death. The local registrar of vital statistics in cities of the first class shall submit monthly to the city clerk a list of the names and addresses, if known, of all persons over twenty-one years of age who have died.

The registrar of vital statistics of the state shall supply such monthly lists for each county of the state, exclusive of cities of the first class, to the county auditor thereof. The county auditor shall prepare from said lists a separate list of deceased persons for each city or town within the county, except cities of the first class, and mail the same to the city clerks thereof. The various city clerks and county auditors shall compare such lists with the registration records and cancel the registrations of deceased voters.

In addition to the above manner of canceling registration records of deceased voters, any registered voter may sign a statement,

subject to the penalties of perjury, to the effect that to his personal knowledge or belief another registered voter is deceased. Upon the receipt of such signed statement, the appropriate registration officer shall cancel the registration records concerned and so notify the secretary of state. Upon receipt of such notice, the secretary of state shall in turn cancel his copy of said registration record.

The secretary of state as chief elections officer shall cause such form to be designed to carry out the provisions of this section. The respective county auditors and city and town clerks shall have such forms available for public use. Further, each such public officer having jurisdiction of an election shall make available a reasonable supply of such forms for the use of the precinct election officers at each polling place on the day of an election.

29.10.095 Report of deaths to secretary of state. On or before the fifteenth day of July and quarterly thereafter, the local registrar of vital statistics in cities of the first class and the registrar of vital statistics of the state shall file a sworn statement with the secretary of state. The form of said statement shall be furnished by the secretary and shall recite the number of deaths that have occurred during the three months' period immediately preceding the date of said report and the fact that the county auditor or city clerk, as the case may be, has been notified. The number of deaths shall be further segregated as to city, town or rural areas.

29.10.100 Weekly report of transfers and cancellations. On the Monday next following the transfer or cancellation of the registration of any voter, each registrar of voters must certify to all transfers or cancellations made during the prior week to the secretary of state. The certificate shall set forth the name of each voter whose registration has been transferred or canceled, the county, city or town, and precinct in which he was registered and, in case of a transfer, also the name of the county and city or town, the name or number of the precinct and the post office address (including street and number) to which the registration of the voter was transferred.

29.10.110 Record of cancellations—Statement to be affixed to canceled duplicate registration card. Every city clerk and county auditor shall carefully preserve in a separate file, to be kept in his office for that purpose, all original and duplicate registration cards canceled. The files for the preservation of canceled registration cards, shall be arranged and kept in alphabetical order irrespective of the precincts from which the canceled cards were received and the signed statement used as the authority for cancellation as provided in RCW 29.10.090 shall be firmly affixed to the canceled duplicate registration card (Permanent Registration Form No. 2).

The city or town clerk and county auditor may destroy all original cards (Permanent Registration Form No. 1) that have been canceled for a period of four years or more.

29.10.120 Sworn statement of cancellations—Filing. On or before August 1st of the odd-numbered year, each county auditor, city or town clerk, shall execute a sworn statement and file same with the secretary of state within ten days after date of execution. Said statement shall be furnished by the office of secretary of state and shall be in substantially the following form:

State of Washington }
 County of..... } ss.

I,, do solemnly swear that I have caused to be examined the permanent voting record of each registered voter under my jurisdiction and have canceled those registrations of said voters who have failed to cast a ballot at any election held during the four year period immediately prior to the first day of April of this year as provided by law.

Further, the number of said cancellations totaled A notice has been mailed to each elector concerned and the office of the secretary has been notified of said cancellations as reported on Permanent Registration Form No. 8.

.....
 (Signature) (Title)
 Subscribed and sworn to.

Chapter 29.13

TIMES FOR HOLDING ELECTIONS AND PRIMARIES

29.13.010 Elections by county constituencies or larger. All state and county general elections for the election of federal, state, legislative, judicial, county, 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: *Provided*, That this section shall not be construed as fixing the time for holding primary elections, or elections for the recall of county 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*, 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.

29.13.015 1963 elections act defined. Wherever used in chapter 29.13 RCW, the term "1963 elections act" includes the following RCW sections: RCW 29.04.055, 29.04.070, 29.04.080, 29.13.020, 29.13.021, 29.13.022, 29.13.023, 29.13.024, 29.13.030, 29.13.040, 29.13.045, 29.13.050, 29.13.060, 29.13.061, 29.13.065, 29.13.070, 29.21.060, 29.24.110, 35.17.020, 35.17.400, 35.23.040, 35.24.050, 35.27.090, 36.69.090, 53.12.044, 53.12.046, 53.12.160, 53.12.210 and 56.12.020, as amended in the year 1963, or thereafter.

29.13.020 Elections by lesser constituencies in class AA and class A counties—Commencement of terms of office—Special elections. All city, town, and district elections, except as hereinafter provided, whether general or special, and whether for the election of municipal or district officers or for the submission to the voters of any city, town or district of any question for their adoption and approval, or rejection, shall be held in class AA or class A counties on the Tuesday following the first Monday in November in the odd-numbered years: *Provided*, That there shall be no such general city or town elections held under the provisions of the 1963 elections act until 1967, and the positions that would have been voted upon in the year 1966, except for the provisions of the 1963 elections act, shall be voted upon at the general election to be held on the Tuesday following the first Monday in November in the year 1967 and each two years thereafter. All city and town elections to be held in 1964 under existing law shall be conducted as though the provisions of the 1963 elections act had not been enacted. All city and town officers elected in 1964 shall remain in office for their regular term and until their successors are elected and qualified under the provisions of the 1963 elections act.

There shall be no such regular district elections held in the years 1964, 1966, and 1968, and the positions that would have been voted upon, except for the provisions of the 1963 elections act, in the years 1964, 1966, and 1968 shall be voted upon at the general elections to be held on the Tuesday following the first Monday in November in the years 1965, 1967, and 1969 respectively and each two years thereafter.

There shall be no such regular school district elections held on the second Tuesday in March in the years 1965, 1967, and 1969 and the positions that would have been voted upon, except for the provisions of the 1963 elections act, shall be voted upon at the general elections to be held on the Tuesday following the first Monday in November in the years 1965, 1967, and 1969 respectively and each two years thereafter.

The purpose of this section is to change the time of holding all general city, town, and district elections in class AA and class A counties from March of either the even-numbered or odd-numbered years, as the case may be, to a common election date, being the Tuesday following the first Monday in November of the odd-numbered years, and further, to change the time of holding regular port district elections in class AA and class A counties and park and recreation districts in class AA counties from the Tuesday following the first Monday in November of the even-numbered years to the Tuesday following the first Monday in November of the odd-numbered years.

The terms of all such city, town, and district officers elected on the Tuesday following the first Monday in November of the odd-numbered years shall commence as of noon on the second Monday in January following their election: *Provided*, That any person elected to less than a full term shall assume office as soon as the election returns have been certified.

All incumbent city, town, or district officers whose terms would have expired, except for the provisions of the 1963 elections act, shall remain in office until their successors are elected and qualified.

This section shall not apply to:

- (1) Elections for the recall of city, town, or district officers,
- (2) Public utility districts, or district elections whereat the ownership of property within said districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto.

The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town or district, presented to him at least forty-five days prior to the proposed election date, may, if he deems an emergency to exist, call a special election at any time in such city, town, or district and for the purpose of such special election he may combine, unite or divide precincts. Such special election shall be conducted and notice thereof given in the manner provided by law.

29.13.021 Elections in first class cities under commission government whose charters provide for triennial elections. All regular elections in cities of the first class under a commission form of government whose charters provide that elections shall be held triennially, shall hereafter be held quadrennially and shall be held on the Tuesday following the first Monday in November in the odd-numbered years: *Provided*, That no such regular city election shall be held under the provisions of this 1963 amendatory section until the Tuesday after the first Monday in November, 1969. The elections to be held in such cities in 1964 under existing law shall be conducted at the time and in the manner as though the provisions of the 1963

elections act had not been enacted. All city officials elected in 1964, or thereafter, shall be elected for terms of four years and until their successors are elected and qualified under the provisions of the 1963 elections act.

29.13.023 Elections in first class cities under mayor-council government—Twelve councilmen. All regular elections in first class cities having a mayor-council form of government whose charters provide for twelve councilmen elected for a term of two years, two being elected from each of six wards, and for the election of a mayor, treasurer, and comptroller for terms of two years, shall be held biennially, and shall be held on the Tuesday following the first Monday in November in the odd-numbered years except as provided in RCW 29.13.020 and 29.13.030. The term of each councilman, mayor, treasurer and comptroller shall be four years and until their successors are elected and qualified. The terms of the councilmen shall be so staggered that six councilmen shall be elected to office at each regular election.

29.13.024 ———Seven councilmen. All regular elections in first class cities having a mayor-council form of government whose charters provide for seven councilmen, one to be elected from each of six wards and one at large, for a term of two years, and for the election of a mayor, comptroller, treasurer and attorney for two year terms, shall be held on the Tuesday following the first Monday in November on the odd-numbered years except as provided in RCW 29.13.020 and 29.13.030. The terms of the six councilmen to be elected by wards shall be four years and until their successors are elected and qualified and the term of the councilman to be elected at large shall be two years and until their successors are elected and qualified. The terms of the councilmen shall be so staggered that three ward councilmen and the councilman at large shall be elected at each regular election. The term of the mayor, attorney, treasurer, and comptroller shall be four years and until their successors are elected and qualified.

29.13.025 "Class A county" includes higher classifications. For the purposes of RCW 29.13.020, 29.13.030, 29.13.040, 29.21.060, 29.24.110, 29.27.040 and 29.27.080, "class A county" shall include counties of higher classification whenever such class or classes shall be established.

29.13.030 Elections by cities, towns, school districts, in class 1 through class 9 counties—Special elections—Consolidated election laws defined. All city and town regular elections, in class 1 through class 9 counties, shall be held on the Tuesday following the first Monday in November in the odd-numbered years: *Provided*, That there

shall be no such general city or town elections held under the provisions of the 1963 elections act until 1967, and the positions that would have been voted upon in the year 1966, except for the provisions of the 1963 elections act, shall be voted upon at the general election to be held on the Tuesday following the first Monday in November in the year 1967 and each two years thereafter. All city and town elections to be held in 1964 under existing law shall be conducted as though the provisions of the 1963 elections act had not been enacted. All city and town officers elected in 1964 shall remain in office for their regular term and until their successors are elected and qualified under the provisions of the 1963 elections act.

All general school district elections, in class 1 through class 9 counties, shall be held on the Tuesday following the first Monday in November in the odd-numbered years: *Provided*, That this section shall not be construed as fixing the time for holding the elections for the recall of any city, town, or district officers or special bond election or any election held in a city of the first class for choosing qualified electors to prepare a new charter for such city by altering, changing, revising, adding to or repealing its existing charter, or any election held in any such city for ratifying such new charter.

There shall be no such general school district elections held on the second Tuesday in March in the years 1965 and 1967, and the positions that would have been voted upon, except for the provisions of the 1963 elections act, shall be voted upon at the general elections to be held on the Tuesday following the first Monday in November in the years 1965 and 1967 respectively and each two years thereafter.

The purpose of this section is to change the time of holding all general city, town, and school district elections in class 1 through class 9 counties from March of either the even-numbered or odd-numbered years, as the case may be, to a common election date, being the Tuesday following the first Monday in November of the odd-numbered years.

The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town or district, presented to him at least forty-five days prior to the proposed election date, may, if he deems an emergency to exist, call a special election at any time in such city, town, or district and for the purpose of such special election he may combine, unite or divide precincts. Such special election shall be conducted and notices thereof given in the manner provided by law.

This section and RCW 29.13.010 and 29.13.020 are referred to as the consolidated election laws.

29.13.040 Conduct of elections of lesser constituencies—Canvass. All elections, whether special or general, held under RCW 29.13.020 and RCW 29.13.030 as now or hereafter amended, shall be conducted by the county auditor as ex officio county supervisor of elections and shall be canvassed by the county canvassing board.

29.13.045 Constituencies to bear share of election costs. Every city, town, and district shall be liable for its proportionate share of the costs when such elections are held in conjunction with other elections held under RCW 29.13.010, 29.13.020 and 29.13.030.

29.13.050 Commencement of terms of officers elected—Organization of district boards of directors. The term of every city, town, and district officer elected to office on the Tuesday following the first Monday in November of the odd-numbered years shall begin as of noon on the second Monday in January following his election: *Provided*, That any person elected to less than a full term shall assume office as soon as the election returns have been certified.

Persons elected to office at the first regular elections held under the provisions of the 1963 elections act shall assume office as soon as the election returns have been certified.

Each board of directors of every district shall be organized at the first meeting held after one or more newly elected directors take office.

29.13.060 Elections in first class school districts containing a city of the first class, in class A and class AA counties. In class AA and class A counties, first class school districts containing a city of the first class shall hold their election biennially on the Tuesday following the first Monday in November of each odd-numbered year.

The directors to be elected shall be elected for terms of six years and until their successors are elected and qualified.

29.13.070 Primaries, when held. Nominating primaries for general elections to be held in November shall be held at the regular polling places in each precinct on the Tuesday following the second Monday of the preceding September.

Nominating primaries other than the September primary shall be held four weeks before the date fixed for election, except as may be otherwise expressly provided.

29.13.080 Opening and closing polls. At every election and primary election the polls must be kept open from eight o'clock a. m. to eight o'clock p. m. and all qualified electors who are inside the polling place at eight o'clock p. m., shall be allowed to cast their votes.

Chapter 29.18

PARTISAN PRIMARIES

29.18.010 To what candidates this chapter is applicable. All candidates for state, congressional, legislative, county, municipal, and precinct elective offices shall be nominated at a partisan primary election held pursuant to the provisions of this chapter: *Provided*, That this chapter shall not apply to elections:

- (1) To fill unexpired terms occasioned by vacancies;
- (2) For nonpartisan elective offices;
- (3) For presidential electors;
- (4) In first class cities whose charters provide a nonpartisan method of nominating candidates;
- (5) In fourth class cities or towns;
- (6) In first, second and third class cities holding nonpartisan elections under RCW 29.21.010.

29.18.020 What political parties may participate. Only the names of major political parties shall be entitled to appear upon the primary election ballot after the names of the candidates affiliated therewith. The name of no other political party shall appear thereon.

29.18.030 Declaration and affidavit of candidacy—Necessity—Form—Withdrawal. The name of no candidate shall be printed upon the official ballot used at a state primary, unless not earlier than the first Monday of July nor later than the second Friday following the first Monday of July, a declaration of candidacy is filed in the form hereinafter set forth, nor at any other primary election unless at least forty-five and not more than sixty days prior to such primary, a declaration of candidacy has been filed by him as provided in this chapter in the following form:

DECLARATION AND AFFIDAVIT OF CANDIDACY

State of Washington	} ss.
County of	

DECLARATION

I,, declare upon honor that I am a registered voter residing at No. street, (city or town of) (county of), state of Washington, and am legally qualified to assume office if elected; that I hereby declare myself a candidate for nomination to the office of or position No. for the of-

fice of (fill in whichever blank is applicable)
 to be made at the primary election to be held on the day of
, and hereby request that my name be printed upon
 the official primary ballots, as provided by law, as a candidate of
 the (do not fill this in if office sought is nonpartisan).....
 party, and I accompany herewith the sum of.....
 dollars, the fee required by law of me for becoming a candidate.

AFFIDAVIT

Further, I do solemnly swear (or affirm) that I will support the
 Constitution and laws of the United States and the Constitution and
 laws of the state of Washington; that I do not advocate the over-
 throw, destruction, or alteration of the constitutional form of gov-
 ernment of the United States or of the state of Washington or any
 political subdivision of either of them, by revolution, force or vio-
 lence, and that I do not knowingly belong to any organization, for-
 eign or otherwise, which engages in or advocates, the overthrow,
 destruction or alteration of the constitutional form of government
 of the United States or of the state of Washington or any political
 subdivision of either of them, by revolution, force or violence.

.....
 (Please print name to assure
 correct spelling)

.....
 (Signature of candidate as name
 is to appear upon ballot)

Subscribed and sworn to before me this..... day of
, 19.....

.....
 (Signature of official)

.....
 (Official title)

Provided, That any candidate may in writing withdraw his
 declaration at any time to and including the first Friday after
 the last day allowed for filing declarations of candidacy: *Provided
 further*, That should the candidate desire to mail his declaration
 of withdrawal it shall be honored if the instrument is mailed no
 later than the last day allowed for withdrawals and is received by
 the election officer concerned no later than the first succeeding
 Monday. There shall be no refund of the filing fee.

29.18.035 Titles designating occupation prohibited. No person
 when filing as a candidate or nominee at any election shall be
 permitted to use any titles designating his present or past occupa-
 tion or profession, including ranks in the armed forces: *Provided*,

That the provisions of this section shall not prohibit the use of a nickname by which a candidate is commonly known: *Provided further*, That should a nickname be used it shall be in addition to the candidate's given name (for example: Richard A. "Dick" Roe or R. A. "Dick" Roe).

29.18.040 Declaration of candidacy—Where filed. Declarations of candidacy shall be filed as follows:

(1) For state offices, United States senate, United States house of representatives, and the state legislature and superior court when electors from a district comprising more than one county vote upon the candidates, in the office of the secretary of state.

(2) For offices, except city and town offices, when electors from only one county vote upon the candidates, in the office of the county auditor.

(3) For city and town offices, in the office of the city clerk.

29.18.050 Declarations of candidacy—Fees. A fee of one dollar must accompany each declaration of candidacy for a precinct office without salary; a fee of ten dollars for any office with a compensation attached of one thousand dollars per annum or less; a fee equal to one percent of the annual compensation for any office with a compensation attached of more than one thousand dollars per annum.

When the candidacy is for:

(1) A state or congressional office the fee shall be paid to the secretary of state for deposit in the state treasury.

(2) A district office embracing more than one county the fee shall be paid to the secretary of state for equal division between the treasuries of the counties comprising the district.

(3) A county office or office for a district comprising part of one county the fee shall be paid to the county auditor for deposit in the county treasury.

(4) A city or town office the fee shall be paid to the clerk thereof for the city or town treasury.

29.18.060 Declaration of candidacy—Duplication of names—Election ballots. When two or more persons file for the same office in any primary election whose surnames are so similar in sound or spelling as to be confusing to the electors, the secretary of state, county auditor, city clerk or any other public officer with whom declarations of candidates are filed, shall, on his own initiative, or upon the request of any of the candidates for the same office, as hereinafter provided print on the ballot immediately after the surname of the candidates having similar surnames, the profession, business, trade, occupation or such other designation as may be required for the definite identification of each, as follows:

George Jones (Grocer)

G. A. Jones (Laborer)

Provided, That if one of the candidates is the incumbent seeking reelection, immediately before his name shall be printed the word "Incumbent," and there shall be printed before the name of the other candidate having a similar surname the word "Opponent," and following his name a word descriptive of his occupation, which for the purpose of illustration, can be printed in the following form:

"Incumbent"—George Jones

"Opponent"—G. A. Jones (Laborer)

If as a result of the primary, two or more candidates so identified are nominated, then such descriptive identification as appeared on the primary ballot shall also appear on the general election ballot. The same provisions shall also apply to any election not preceded by a primary.

29.18.070 Duplication of, use of nonexistent or untrue names, as felony. A person is guilty of a felony who files a declaration of candidacy for any public office of:

- (1) A nonexistent or fictitious person; or
- (2) The name of any person not his true name; or
- (3) A name similar to that of an incumbent seeking reelection to the same office with intent to confuse and mislead the electors by taking advantage of the public reputation of the incumbent; or
- (4) A surname similar to one who has already filed for the same office, and whose political reputation is widely known, with intent to confuse and mislead the electors by capitalizing on the public reputation of the candidate who had previously filed.

29.18.080 Duplication of names—Conspiracy—Criminal and civil liability. Any person who with intent to mislead or confuse the electors conspires with another person who has a surname similar to an incumbent seeking reelection to the same office, or to an opponent for the same office whose political reputation has been well established, by persuading such other person to file for such office with no intention of being elected, but to defeat the incumbent or the well known opponent, shall be guilty of a felony. In addition thereto such person or persons shall be subject to a suit for civil damages the amount of which shall not exceed the salary which the injured person would have received had he been elected or reelected.

29.18.090 Duplication of, use of nonexistent or untrue names—Call for meeting to adjust. Any candidate who believes that the electors will be misled or confused by the candidacy of any person who has filed for the same office as provided in RCW 29.18.060 and 29.18.070, shall, not more than three days after the time for the

filings has expired, present in writing to the filing officer, the secretary of state, county auditor, or city clerk, as the case may be, a written request that a meeting of all the candidates for the same office whose names are the same or similar be held immediately for the purpose of eliminating the confusion. The written request shall state the objections of the candidate. The filing officer within two days following the receipt of such request shall mail a copy thereof to each candidate named in the request at the address set forth in the declaration of the candidate and shall notify each candidate to be present at a meeting to be held in his office on a day and hour certain to be stated in the notice, which hearing shall take place not more than five days after the receipt of such request.

29.18.100 Duplication of names—Conduct of meeting to adjust. At the meeting to be held by the filing officer, he shall hear all objections to candidates, names and designations of candidates and shall pass upon all matters which may come before him pertaining to the enforcement of RCW 29.18.060 through 29.18.100. If any candidate fails to respond to the notice of the meeting, or if the filing officer is satisfied that the candidate is a fictitious or nonexistent person or that the declaration of candidacy was not filed in the true name of the person, the candidacy of such person shall be canceled and shall not be printed on the ballot. The filing officer shall decide all objections according to the facts and his rulings shall be final, unless ordered otherwise by a court of competent jurisdiction.

29.18.110 Number of votes necessary to nominate. No candidate for a party nomination shall be the party nominee unless he receives a number of votes equal to at least ten percent of the highest number cast for any candidate of his party in the political subdivision in which he is a candidate.

Subject thereto, any person who receives a plurality of the votes cast for the candidates of his party for any office shall be his party's nominee for that office.

If there are two or more positions of the same kind to be filled and more candidates of a party receive a plurality of the votes cast for those positions than there are positions to be filled, the number of candidates equal to the number of positions to be filled who receive the highest number of votes shall be the nominees of their party for those positions.

29.18.120 Procedure at primary—General election laws apply. So far as applicable, the provisions in relation to the holding of elections, the solicitation of voters at the polls, the challenging of voters, the manner of conducting elections, of counting the ballots and making returns and canvass thereof, and all other kindred subjects, including the sale of intoxicating liquors during the hours

the polls are open, shall apply to all primaries and the election officers shall have the same powers for primary elections as they have for general elections.

29.18.140 Statement of expense of candidate. Every candidate for nomination at a primary election, shall, within ten days after the day of holding the primary election at which he is a candidate, file an itemized statement in writing, duly sworn to as to its correctness, with the officer with whom his declaration of candidacy or other nomination paper is filed, setting forth each sum of money and thing of value, or any consideration whatever, contributed, paid or promised by him, or anyone for him, with his knowledge or acquiescence, for the purpose of securing or influencing, or in any way affecting his nomination to said office. The statement shall set forth the sums paid as personal expenses, stating fully the nature, kind and character of the expense for which the sums were expended separately, and the persons to whom the sums were paid and the purposes for which such payments were made. In this statement all sums or other considerations promised and not paid shall be included. The statement, when so filed shall immediately be subject to the inspection and examination of any elector and shall be and become a part of the public records.

29.18.150 Vacancies on ticket—How filled—Correcting ballots and labels—Counting votes already cast for person named to vacancy, when. Should a place on a party ticket be vacant because no person filed for nomination as the candidate of that party, after the last day allowed for candidates to withdraw as provided by RCW 29.18.030, if the vacancy is for a state or county office to be voted on solely by the electors of a single county, the county central committee of the party may select and certify a candidate to fill the vacancy; if the vacancy is for any other office the state central committee of the party may select and certify a candidate to fill the vacancy; the certificate must set forth the cause of the vacancy, the name of the person nominated, the office for which he is nominated and other pertinent information required in an ordinary certificate of nomination and be filed in the proper office no later than the first Friday after the last day allowed for candidates to withdraw, together with the candidate's fee applicable to that office and a declaration of candidacy: *Provided*, That a vacancy caused by the death or disqualification of any nominee for a partisan office may be filled as set forth in this section at any time up to and including the day prior to the election.

Should such vacancy occur no later than the third Tuesday prior to the state general election concerned and the ballots and voting machine labels have been printed, it shall be mandatory that they

be corrected by the appropriate election officers. In making such correction, it shall not be necessary to reprint complete ballots if any other less expensive technique can be used and the resulting correction is reasonably clear.

Should such vacancy occur after the third Tuesday prior to said state general election and time does not exist in which to correct paper ballots (including absentee ballots) or voting machine labels, either in total or in part, then the votes cast or recorded for the person who has died or become disqualified shall be counted for the person who has been named to fill such vacancy.

When the secretary of state is the person with whom the certificate of nomination is filed he shall in certifying nominations to the various county officers insert the name of the persons nominated to fill a vacancy.

In the event that the secretary of state has already sent forth his certificate when the certificate of nomination to fill a vacancy is filed with him, he shall forthwith certify to the county auditors of the proper counties the name and place of residence of the person nominated to fill a vacancy, the office he is nominated for, the party he represents and all other pertinent facts pertaining to the vacancy.

29.18.200 Blanket primary authorized. All properly registered voters may vote for their choice at any primary election, for any candidate for each office, regardless of political affiliation and without a declaration of political faith or adherence on the part of the voter.

Chapter 29.21

NONPARTISAN PRIMARIES AND ELECTIONS

29.21.010 Primaries in first, second and third class cities. All primaries for all cities of the first, second and third class, irrespective of type or form of government shall be nonpartisan and held as provided in RCW 29.13.070. All names of candidates to be voted upon at city primary elections shall be printed upon the official primary ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes for each position, shall appear in that order on the municipal general election ballot under the designation for each respective office. In the event there are two or more offices to be filled for the same position, then names of candidates receiving the highest number of votes equal in number to twice the offices to be filled shall appear on the municipal general election ballot so that the voter shall have a

choice of two candidates for each position: *Provided*, That no name of any candidate shall appear on the city general election ballot unless said candidate shall receive at least ten percent of the total votes cast for that office. The sequence of names of candidates printed on the municipal general election ballot shall be in relation to the number of votes each candidate received at the primary. Names of candidates printed upon the municipal primary and general election ballot need not be rotated: *Provided further*, That no provision of this section in conflict with the primary election provisions contained in charters of cities of the first class shall be effective, except that all first class cities shall hold their primaries as provided in RCW 29.13.070.

29.21.015 When no city primary—Prerequisites—Procedure. No primary shall be held in any city if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for each position to be filled. In such event, the city clerk shall immediately notify all candidates concerned and if the county auditor has jurisdiction of such primary election, he shall also be notified. Names of candidates that would have been printed upon the city primary ballot, but for the provisions of this section, shall be printed upon the city general election ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates.

29.21.017 City councilmen positions to be numbered as separate offices—Exception—Exclusive method of nominating and electing. Not less than ten days before the time for filing declarations of candidacy for councilmen in cities or towns operating under the mayor-council or council-manager form of government, except the position of councilman-at-large assigned a two year term in cities of the third class, the city clerk shall designate the positions to be filled by consecutive number, commencing with one. The positions so designated shall be dealt with as separate offices for all election purposes.

The provisions of this section shall be the exclusive method of nominating and electing councilmen for all cities and towns the charter provisions of any city notwithstanding.

29.21.020 Declarations of candidacy—Generally. Except as otherwise in this chapter provided, all statutory provisions relating to declarations of candidacy for primary nomination to partisan offices shall apply to candidates for nonpartisan offices: *Provided*, That no candidate for a nonpartisan office shall designate any party affiliation in his declaration of candidacy.

29.21.030 Declarations of candidacy—Commission form cities. Any person desiring to become a candidate for mayor or commis-

sioner in a city organized under the commission form of government shall, in accordance with the time period prescribed in RCW 29.21.060, file with the city clerk a statement of his candidacy accompanied by the required filing fee.

The form of declaration of candidacy for candidates for mayor or commissioner in a city organized under the commission form shall be substantially as follows:

“State of Washington, }
County of } ss.

I,, being first duly sworn, say that I reside at street,, county of, state of Washington; that I am a qualified voter therein; that I am a candidate for nomination to the office of (inserting mayor, or commissioner of finance and accounting or commissioner of streets and public improvements, as the case may be) of the city of, to be voted on at the primary to be held on the day of, 19....., and I hereby request that my name be printed upon the official primary ballot for nomination at said primary for such office.

(Signed)

Subscribed and sworn to (or affirmed) before me by on this day of, 19.....

(Signed)

29.21.040 City offices in commission form cities. In cities operating under the commission form, the offices of mayor, commissioner of finance and accounting and commissioner of streets and public improvements shall be nonpartisan and the candidates therefor shall be nominated at a primary to be held as provided in RCW 29.21.010. The officers appointed for the municipal election shall be the officers of the primary election, which shall be held at the same places, so far as practicable, and the polls shall be opened and closed at the same hours as required for the municipal election.

29.21.050 Nominating petition in commission form cities. At the time of filing his declaration of candidacy a candidate for mayor or commissioner in a city organized under the commission form must file therewith the petition of at least one hundred qualified voters requesting such candidacy. Each petition must be verified by someone as to the qualifications, residence (with street and number) of all the persons who signed it. The petition shall be substantially as follows:

“Petition accompanying nomination statement of.....

“The undersigned, qualified electors of the city of, and residing at the places set opposite our respective names hereto,

do request that the name of(name of candidate)..... be placed on the ballot as a candidate for nomination for (name of office) at the primary to be held in such city on the day of, 19.....

“We further state that we know him to be a qualified elector of said city and a person of good moral character and qualified, in our judgment, for the duties of such office.

Name	House number	Street
.....

(verification)”

29.21.060 Declarations of candidacy in first, second, third class cities and certain districts—Other statutes superseded. During the year 1964, all candidates for office to be voted upon at any election in first, second, and third class cities shall file declarations of candidacy not more than sixty nor less than forty-six days prior to the day of the primary with the clerk thereof.

After the year 1964, all candidates for offices to be voted on at any election in first, second, and third class cities shall file declarations of candidacy with the clerk thereof not earlier than the first Monday of July nor later than the second Friday following the first Monday of July in the year such regular city elections are held.

All candidates for district offices in port districts, and school districts embracing a city of over one hundred thousand population, both of which are located in class AA and class A counties, shall file their declarations of candidacy with the county auditor of the county not earlier than the first Monday of July nor later than the second Friday following the first Monday of July in the year such regular district elections are held.

All candidates for district offices not subject to a primary election, other than irrigation districts, shall file declarations of candidacy not more than sixty nor less than forty-six days prior to the date of the election with the appropriate county auditor: *Provided*, That in the case of public utility districts, and in no other, nominations shall be made by means of nominating petitions: *Provided further*, That this chapter shall not change the method of nomination for first district officers at the formation of the district.

Any candidate for city or district offices may withdraw his declaration at any time to and including the first Friday after the last day allowed for filing declarations of candidacy.

The city clerks in all counties shall transmit to their county auditors at least thirty-five days before the date fixed for the primary, a certified list of the names and addresses of the candidates

to be voted on thereat as represented by the declarations of candidacy filed in their offices.

All candidates required to file declarations of candidacy shall pay the same fees and be governed by the same rules as contained in RCW 29.18.030, 29.18.035, and 29.18.060: *Provided*, That no filing fee shall be charged in the event that the office sought is without salary.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for filing declarations of candidacy for such city, town, and district elections.

29.21.070 Judicial offices. The offices of judge of the supreme court, judge of the superior court and justice of the peace shall be nonpartisan and the candidates therefor shall be nominated and elected as such. Not less than ten days before the time for filing declarations of candidacy, each county auditor shall designate how many justices of the peace are to be elected in each precinct in his county.

29.21.080 School directors, county superintendents and state superintendent. The offices of superintendent of public instruction and of county superintendent of schools shall be nonpartisan and the candidates therefor shall be nominated and elected as such.

Offices relative to the administration of the public schools, including the office of school director, shall be nonpartisan.

29.21.085 County superintendents and state superintendent—Ballot arrangement where voting machines. Where voting machines are legally used in any election for superintendent of public instruction or county superintendent of schools, the ballot arrangement for the aforesaid offices shall be substantially in the form as set out in RCW 29.21.090, 29.21.100 and 29.21.150, but may be so varied as to carry out the purposes required by the use of voting machines.

29.21.090 Arrangement of names on ballots. The names of candidates for nonpartisan office shall appear on election and primary ballots under the proper office designation followed by the instruction "vote for one" unless more than one position is to be filled for the same office in which case the proper word shall be substituted for the word "one."

29.21.100 Nonpartisan ballot—Place on regular ballot. If at any election or primary, nonpartisan offices are to be filled, a section of the ballot shall be designated "NONPARTISAN BALLOT" and all nonpartisan offices to be filled and the names of all candidates therefor shall appear therein.

29.21.110 Supreme and superior court judges—Designation of position. Not less than ten days before the time for filing declarations of candidacy for election to the supreme court or to a superior court for a judicial district comprising more than one county the secretary of state shall in each case designate the positions to be filled by consecutive number commencing with one; the county auditor shall do likewise for the superior court positions in counties where a county and judicial district are coextensive.

The judicial positions so designated shall be dealt with as separate offices for all election purposes.

29.21.120 Judicial ballots—Form. Judicial positions and the candidates therefor shall appear separately on the nonpartisan ballot in substantially the following form:

JUDICIAL ELECTION BALLOT

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

Judges of the Supreme Court
..... to be nominated.

No. 1

Vote for One.

.....
.....
.....

No. 2

Vote for One.

.....
.....
.....

No. 3

Vote for One.

.....
.....
.....

(Or, if vacancy to be filled)

No.

2 (or 4) year term.

Vote for One.

.....
.....
.....

Judges of the Superior Court
..... to be nominated.

No. 1

Vote for One.

.....
.....
.....

No. 2

Vote for One.

.....
.....
.....

No. 3

Vote for One.

.....
.....
.....

(Or, if vacancy to be filled)

No.

Unexpired term.

Vote for One.

.....
.....
.....

(Or, if short term to be filled)

(Or, if short term to be filled)

No.
Short term.
Vote for One.

No.
Short term.
Vote for One.

.....
.....
.....

.....
.....
.....

Justice(s) of the Peace, Precinct
Vote for

.....
.....
.....
.....
.....

29.21.130 Ballots in commission form cities. The ballots for primaries held in cities organized under the commission form of government shall be printed upon plain, substantial, white paper and shall have no party designation or mark whatever. The names of the candidates for each position shall be arranged alphabetically. The ballots shall be in substantially the following form:

OFFICIAL PRIMARY BALLOT

Candidates for nomination for mayor and commissioners of
at the

PRIMARY ELECTION

(Date)

Place a cross in the square opposite the names of the persons you favor as candidates for the respective positions.

MAYOR

Vote for One

.....
.....
.....

COMMISSIONER OF FINANCE AND ACCOUNTING

Vote for One

.....
.....
.....

COMMISSIONER OF STREETS AND PUBLIC IMPROVEMENTS

Vote for One

.....

.....

.....

The ballots for the general election shall be in the same general form as for the primary election, so far as applicable.

29.21.140 Designation of short terms, unexpired terms, etc. If at the same election there are long terms and short terms or full terms and unexpired terms of office to be filled, the secretary of state or the county auditor, as the case may be, shall distinguish them and designate the short term, the long term, the full term and the unexpired term separately as such, or by use of the words "two year term" or "four year term" as the case may be.

In filing his declaration of candidacy in such cases the candidate shall specify that his candidacy is for the short term, the long term, the full term or the unexpired term as the case may be.

29.21.150 Determining nominees for single positions. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a single nonpartisan position shall appear on the general election ballot under the designation therefor: *Provided*, That in elections for judges of the supreme court and judges of the superior court, for justices of the peace, for state superintendent of public instruction, and for county superintendent of schools, if any candidate in the primary receives a majority of all of the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter.

29.21.160 Determining nominees for multiple positions. If there are two or more places to be filled for nonpartisan office, the number of candidates equalling the number of positions to be filled who receive the highest number of votes at the primary and an equal number who receive the next highest number of votes shall appear under the designation for that office: *Provided*, That the names of any candidates therefor who receive a majority of all of the votes cast at the primary for that office, shall be printed separately as candidates for that office under the designation "Vote for" followed by blank spaces equalling the number of such majority candidates for the writing in of any other name by a voter.

29.21.170 Same—Quota necessary for placement on ticket as unopposed. The quota necessary to constitute a majority of votes

cast in a nonpartisan primary for multiple places in the same office is one more than the quotient obtained by dividing the sum of all votes cast for all candidates for that office by twice the number of places to be filled. If it appears that a number of candidates equal to, or exceeding, the number of places to be filled have received this quota, there shall be printed on the ballot only the names of the candidates who received the highest number of votes and equal to the number of places to be filled.

29.21.180 When no primary in certain offices—Prerequisites—Procedure. No primary shall be held relating to the offices of state superintendent of public instruction, county superintendent of schools, or officers of school districts embracing a city of over one hundred thousand population if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for each position to be filled. In such event all candidates concerned shall be notified. Names of candidates that would have been printed upon the primary ballot, but for the provisions of this section, shall be printed upon the general election ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates.

29.21.190 School directors in district embracing city over one hundred thousand. The office of school director for school districts embracing a city of over one hundred thousand population shall be nonpartisan and the candidates therefor shall be nominated and elected as such.

29.21.200 ———Declarations of candidacy—Designation of positions. Candidates for school director in school districts embracing a city of over one hundred thousand population shall file their declarations of candidacy as provided in RCW 29.21.060. Not less than ten days before the time of filing such declarations of candidacy, the county auditor shall designate the positions to be filled by consecutive number, commencing with one. The positions so designated for school directors in each district shall be dealt with as separate offices for all election purposes, and where more than one position is to be filled, each candidate shall file for one of the positions so designated: *Provided*, That in first class school districts nominating and electing school directors by director districts, candidates shall file for such director districts.

29.21.210 ———Ballots—Form. The positions of school directors for school districts embracing a city of over one hundred thousand population and the candidates therefor shall appear separately on the nonpartisan ballot in substantially the following form:

SCHOOL DIRECTOR ELECTION BALLOT

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

School District Directors

..... to be nominated.

No. 1

Vote for One

.....
.....
.....

No. 2

Vote for One

.....
.....
.....

To Fill Unexpired Term

No.

2 (or 4) year term

Vote for One

.....
.....
.....

29.21.220 ————**When nominating primary held—Costs.** Nominating primaries for school directors in school districts embracing a city of over one hundred thousand population shall be held as provided in RCW 29.13.070, and such school districts shall bear their share of the primary election costs as provided in RCW 29.13.045.

29.21.230 ————**Names of candidates to appear on general election ballot.** The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a school district position shall appear on the general election ballot under the designation therefor: *Provided*, That if any candidate for a position receives a majority vote, his name alone shall be placed on the general election ballot for that position.

Chapter 29.24

NOMINATIONS OTHER THAN BY PRIMARY

29.24.010 Definition—“Convention”. A “convention” for the purposes of this chapter, is an organized assemblage of at least one hundred registered voters representing a new or minor political

party, organization or principle, or in lieu thereof ten registered voters from each congressional district in the state of Washington.

29.24.020 Minor parties must hold convention on state primary day. Any new or minor political party is not entitled to participate in a state primary election but must nominate candidates for public office in a convention held on the same day that state primary elections are held.

29.24.030 Minor party convention—Procedure. To be valid, a minor party convention must:

(1) Be attended by at least one hundred registered voters; or in lieu thereof ten registered voters from each congressional district in the state of Washington;

(2) Have been called by a notice published in a newspaper of general circulation published in the county in which the convention is to be held at least ten days before the date of the primary election stating the date, hour, place of meeting and a general statement of the principles of the organization.

29.24.040 Certificate of nomination—Requisites. A certificate evidencing nominations made at a minority party convention must:

(1) Be in writing;

(2) Contain the name of each person nominated, his residence, his business, and the office for which he is named; together with a sworn statement of each nominee giving his consent to the said nominations;

(3) Designate in not more than five words the party or principle which the convention represents;

(4) Be verified by the oath of the presiding officer and secretary;

(5) Be signed by at least one hundred registered voters present at the convention and who did not vote at the primary election held on that day, or in lieu thereof be signed by at least ten registered voters from each congressional district in the state of Washington present at a convention, and who did not vote at the primary election held on that day;

(6) Show the voting addresses of all signers;

(7) Contain proof of publication of the notice of calling the convention.

29.24.050 Certificate of nomination—What signatures invalid. The signature of a minor party nominating certificate of a person who voted in the primary held on the day of the convention is invalid.

29.24.060 Certificate of nomination—Checking signatures. Upon the receipt of the certificate of nomination of a minor party nominating convention, the secretary of state shall check from the

records the required signatures thereto to ascertain if the signers are registered voters and whether said signers voted at the primary election held on the same day as said convention. If the secretary of state finds that the certificate is defective or does not comply with law he shall refuse to file the same and any declarations of candidacy of candidates nominated by such convention.

29.24.070 Declarations of candidacy required. If the nominating certificate is valid, each candidate nominated by a minor party convention may file with the secretary of state a declaration of candidacy as nearly as possible in the form prescribed for candidates subject to primary election, and each candidate must at the time of filing such declaration pay to the secretary of state the fee prescribed by law for candidates subject to primary election. The name of a candidate nominated at a minor party convention shall not be printed upon the election ballot unless he pays the fee required by law to be paid by candidates for the same office to be nominated at a primary election.

29.24.080 Filing dates for certificates and declarations. The certificate of nominations made by a minor party convention, and the declarations of candidacy of the individual candidates nominated may be filed with the secretary of state at any time after said convention is held, but such filing must be complete not later than the first Tuesday after the date of the September primaries.

29.24.090 Transmittal of minor party nominations. If any nominations made by such convention are intended for county, district or other local offices and valid declarations of candidacy have been filed, the secretary of state shall transmit the same to the appropriate county officers for printing upon the official ballot at the same time and in the same manner as nominations for other offices are transmitted, and shall at the same time transmit the filing fees of such county, district or local candidates to the respective county treasurers.

29.24.110 Nominations in towns. Fourth class municipalities shall not hold primaries and the election of town officers shall be nonpartisan. Not less than ninety days prior to the holding of a town election, the town council shall by ordinance prescribe as the method for nominating candidates, either the holding of a caucus or caucuses, in which case it shall further prescribe regulations therefor, or the filing of declarations of candidacy.

If caucuses are provided for, the town clerk shall publish once in a newspaper having general circulation within the county at least ten days prior to the date thereof, a notice of any caucus. If there be no such newspaper, notice shall be posted ten days prior to date of the caucus, at the three most prominent places in town.

If declarations of candidacy are provided for, they shall be filed with the town clerk not more than sixty nor less than forty-six days prior to the election, and shall be accompanied by a filing fee equal to one percent of the annual salary of the office: *Provided*, That no filing fee shall be charged in the event that the office sought is without salary.

Declarations of candidacy shall substantially conform to the form set forth in RCW 29.18.030. Any candidate may withdraw his declaration at any time to and including the first Friday after the last day allowed for filing declarations of candidacy.

If, by law, the county auditor, as ex officio supervisor of elections, has jurisdiction over such town election, the town clerk shall at least thirty-five days prior thereto, submit to him a certified list of candidates.

Chapter 29.27

CERTIFICATES AND NOTICES

29.27.010 Certifying list of offices for consolidated elections in counties. The governing board of every city, town or district subject to RCW 29.13.010, 29.13.020 or 29.13.030, shall certify to the county auditor as ex officio county supervisor of elections a list of the offices to be filled at an election at least forty-five days before the date of election.

29.27.020 Certifying candidates before primary by secretary of state. At least thirty-five days before any September primary the secretary of state shall transmit to each county auditor a certified list of the candidates for office to be voted for in each county as represented by the declarations of candidacy and nomination papers filed in his office. The certificate shall set forth the name of each candidate, his post office address, the office for which he is a candidate and his party designation.

29.27.030 Notice of primary election. Not more than ten nor less than three days prior to the primary election the county auditor shall publish notice of such primary in one or more newspapers of general circulation within the county. Said notice shall contain the proper party designations, the names and addresses of all persons who have filed a declaration of candidacy to be voted upon at that primary election, the hours during which the polls will be open, and that the election will be held in the regular polling place in each precinct, giving the address of each polling place: *Provided*, That the names of all candidates for nonpartisan offices shall be published separately with designation of the offices for which they

are candidates but without party designation. This shall be the only notice required for the holding of any primary election.

29.27.040 Filing list of nominees—Fourth class towns. Clerks of fourth class towns shall certify and file a list of nominees with the county auditor not less than thirty-five days before the election.

29.27.045 Proclamation of offices to be filled at general election. It shall be the duty of the governor, at least sixty days before any general election, to issue his proclamation, designating the offices to be filled by the state at large at such election, and to transmit a copy thereof to the county auditor of each county.

29.27.050 Certification of nominees by secretary of state. As soon as possible but in any event no later than the fourth Tuesday after any primary election, the secretary of state shall certify to the county auditor of each county within which any of the electors may by law vote for candidates for such office, the name and place of residence of each person nominated for such office, as specified in the certificates of nomination filed with the secretary of state.

29.27.060 Certification of measures generally—Ballot titles. 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 not exceeding seventy-five 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 not exceeding seventy-five 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 statement together shall constitute the ballot title. The secretary of state shall certify to the county auditors the ballot title for a proposed consti-

tution, constitutional amendment or other state-wide question at the same time and in the same manner as the ballot titles to initiatives and referendums.

29.27.065 Notice of ballot title to persons proposing measure. Upon the filing of a ballot title as defined in RCW 29.27.060, the secretary of state, in event it is a state question, or the county auditor in the event it is a county or other local question, shall forthwith notify the persons proposing the measure of the exact language of the ballot title.

29.27.067 Ballot title—Appeal to superior court. If the persons filing any state or local question covered by RCW 29.27.060 are dissatisfied with the ballot title formulated by the attorney general, city attorney, or prosecuting attorney preparing the same, they may at any time within ten days from the time of the filing of the ballot title appeal to the superior court of Thurston county if it is a state-wide question, or to the superior court of the county where the question is to appear on the ballot, if it is a county or local question, by petition setting forth the measure, the ballot title objected to, their objections to the ballot title and praying for amendment thereof. The time of the filing of the ballot title, as used herein in determining the time for appeal, is the time the ballot title is first filed with the secretary of state, if concerning a state-wide question, or the county auditor, if a local question, the secretary of state or the county officer being herein called the "filing officer."

A copy of the petition on appeal together with a notice that an appeal has been taken shall be served upon the filing officer and the official preparing the ballot title. Upon the filing of the petition on appeal, the court shall forthwith, or at the time to which a hearing may be adjourned by consent of the appellants, examine the proposed measure, the ballot title filed and the objections thereto and may hear arguments thereon, and shall as soon as possible render its decision and certify to and file with the filing officer such ballot title as it determines will meet the requirements of this chapter. The decision of the superior court shall be final, and the title so certified shall be the established ballot title. Such appeal shall be heard without cost to either party.

29.27.072 Notice of constitutional amendments—Publication in newspapers and on radio and television. The secretary of state shall cause notice of the constitutional amendments that are to be submitted to the people to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state and shall supplement publication thereof by radio and television broadcast as provided in RCW 65.16.130, 65.16.140, and 65.16.150.

29.27.074 ————**Contents.** The notice provided for in RCW 29.27.072 shall set forth the following information:

- (1) The legal identification of the constitutional amendment.
- (2) The official ballot title of the constitutional amendment.
- (3) A brief statement explaining the constitutional provision as it presently exists.
- (4) A brief statement explaining the effect of the proposed constitutional amendment should it be approved.
- (5) The total number of votes cast for and against the measure in both the state senate and house of representatives.

29.27.076 ————**Attorney general to prepare explanatory statement for notice, judicial appeal.** The attorney general shall, by the first day of July preceding each general election, prepare the explanatory statements required in RCW 29.27.074. 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 constitutional amendment, 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 constitutional amendment, 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 RCW 29.27.072 through 29.27.076. 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.

29.27.080 Notice of election—Certification of measures. Notice for any state, county, district, or municipal election, whether special or general, shall be given by at least one publication not more than ten nor less than three days prior to the election by the county auditor or the officer conducting the election as the case may be, in one or more newspapers of general circulation within the county. Said legal notice shall contain the title of each office under the proper party designation, the names and addresses of all officers who have been nominated for an office to be voted upon at that election, together with the ballot titles of all measures, the hours during which the polls will be open, and that the election will be held in the regular polling places in each precinct, giving the address

of each polling place: *Provided*, That the names of all candidates for nonpartisan offices shall be published separately with designation of the offices for which they are candidates but without party designation. This shall be the only notice required for a state, county, district or municipal general or special election and shall supersede the provisions of any and all other statutes, whether general or special in nature, having different requirements for the giving of notice of any general or special elections.

29.27.090 Preservation of nominating certificates. The secretary of state, county auditor of each county, and clerks of the several municipal corporations shall preserve all certificates of nomination filed in their respective offices for six months. All certificates shall be open to public inspection under proper regulations made by the officer with whom they are filed.

29.27.100 Certificates of election to officers elected in county or lesser constituency. Immediately after the ascertainment of the result of an election for an office to be filled by the voters of a single county, or of a precinct, or of a constituency within a county for which he serves as supervisor of elections, the county auditor shall notify the person elected, and upon his demand issue to him a certificate of his election.

29.27.110 Certificates of election to other officers. Except as provided in the state Constitution, the governor shall issue certificates of election to those elected as senator or representative in the congress of the United States and to state offices. The secretary of state shall issue certificates of election to those elected to the office of judge of the superior court in judicial districts comprising more than one county and to those elected to either branch of the state legislature in legislative districts comprising more than one county.

29.27.120 Certificate not withheld for informality in returns. No certificate shall be withheld on account of any defect or informality in the returns of any election, if it can with reasonable certainty be ascertained from such return what office is intended, and who is entitled to such certificate, nor shall any commission be withheld by the governor on account of any defect or informality of any return made to the office of the secretary of state.

Chapter 29.30

BALLOTS

29.30.010 Primary ballots—General form. Every primary ballot shall be uniform in color and size, shall be white and printed in black ink. Across the head of each ballot shall be printed in plain,

black type, first, the words, "Primary Election Ballot," and below that, the county, in which the ballot is to be used. Then shall follow the words "To vote for a person mark a cross in the first square at the right of the name of the person for whom you desire to vote." Beginning at the top of the left hand column, at the left of the line, in black type, shall appear the name of the position for which the names following are candidates, and to the extreme right of the same line the words, "Vote for," then the words "One," "Two," or a spelled number designating how many persons under that head are to be voted for. Following this shall come the names of all candidates for that position inclosed in a light faced rule, each followed by the name of the political party, if any, with which the candidate desires to affiliate, with a square to the right, said square being separated by a heavy black face rule, the parallel rules containing the names and squares to be one-sixth of an inch apart. Each position with the names running for that office, shall be separated from the following one by a black face rule. There shall be no printing upon the back of the ballots nor any mark thereon to distinguish them.

29.30.020 Primary ballots—Arrangement of positions. The positions on a primary ballot shall be arranged substantially as follows: First, United States senator; next, congressional; next, judges of supreme court; next, judges of superior court; next, other state officers; next, legislative; next, county officers; next, precinct officers; next, justice of the peace; next, precinct committeemen. There shall be a blank space left following the list of names of candidates for each office for writing in the name of a candidate, if desired.

29.30.030 Primary ballots—Suggested model. The form of primary ballots shall be substantially as follows:

(FORM OF BALLOT)

PRIMARY ELECTION BALLOT

..... County

To vote for a person make a cross in the square to the RIGHT of the name of the person for whom you desire to vote.

UNITED STATES SENATOR

Vote for One

ADAMS, FRANK C. Democrat

HADDOCK, R. A. Republican

JOHNSON, OSCAR F. Republican

(and so on with the other officers in order.)

Where voting machines are legally used in any county, city, or other municipality, the ballot arrangement of candidates to be voted on at the primary shall be substantially in form with that heretofore set forth in this section, but may be varied so as to carry out the purposes required by use of voting machines.

29.30.040 Primary ballots—Rotating names of candidates. The names of candidates for each office upon primary ballots under the heading designating each official position upon the ballots to be used in voting, shall be first arranged in the order in which their declarations of candidacy were filed. In printing each set of ballots for the several counties, the positions of the names of candidates shall be changed in each office division as many times as there are candidates in the office division in which there are the most names. As nearly as possible an equal number of ballots shall be printed after each change. In making the changes of position, the printer shall take the line of type at the head of each office division and place it at the bottom of the division and shove up the column so that the name that before was second, shall be first, after the change. After the ballots are printed they shall be kept in separate piles, one pile for each change of position, and shall then be gathered by taking one from each pile; the intention being that every other ballot at the polls shall have the names in a different position.

29.30.050 Primary ballots—Numbering. After the ballots have been gathered as provided in RCW 29.30.040, they shall be numbered consecutively, said numbering to be perforated and torn off by the election officers on the voting of the ballot.

29.30.060 Primary ballots—Samples. On the fifteenth day before a primary election, the county auditor shall prepare at once a sample ballot which he shall post in a conspicuous place in his office for public inspection. Sample ballots shall be substantially in the same form as the official ballots but upon colored paper and the names of the candidates for each office shall be arranged thereon in the order in which their declarations of candidacy were filed and need not be alternated.

29.30.075 Primary ballots for absentee voters, date prepared. At least twenty-five days before any primary, each county auditor shall have prepared sufficient ballots for use by absentee voters.

29.30.080 General election ballots—Form. All general election ballots prepared under the provisions of this title shall conform to the following requirements:

(1) Shall be of white and a good quality of paper, and the names shall be printed thereon in black ink.

(2) Every ballot shall contain the name of every candidate whose nomination for any office specified in the ballot has been filed according to the provisions of this title and no other names.

(3) All nominations of any party or group of petitioners shall be placed under the title of such party of petitioners as designated by them in their certificate of nomination or petition, and the name of each nominee shall be placed under the designation of the office for which he has been nominated.

(4) There shall be a at the right of the name of each of its nominees so that a voter may clearly indicate the candidate or the candidates for whom he wishes to cast his ballot. The square shall be one-fourth of an inch. The size of type for the designation of the office shall be nonpareil caps; that of the candidates not smaller than brevier or larger than small pica caps and shall be connected with squares by leaders.

(5) The list of candidates of the party whose candidate for president of the United States received the highest number of votes from the electors of this state in the preceding presidential election shall be placed in the first column of the left hand side of the ballot, the party whose candidates for presidential electors or candidates received the next highest number of votes from the electors of this state in the preceding presidential election the second column and of other parties in the order in which certificates of nomination have been filed.

(6) No candidate's name shall appear more than once upon the ballot: *Provided*, That any candidate who has been nominated by two or more political parties may, upon a written notice filed with the county auditor at least twenty days before the election is to be held, designate the political party under whose title he desires to have his name placed.

(7) Under the designation of the office if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election. In such cases the names of the candidates of the various parties for that office shall be staggered so that the names of no two candidates for that office shall appear opposite each other upon the same line in adjacent party columns.

(8) Upon each official ballot a perforated line one-half inch from the left hand edge of said ballot shall extend from the top of said ballot towards the bottom of the same two inches thence to the left hand edge of the ballot and upon the space thus formed there shall be no printing except the number of such ballot which shall be upon the back of such space in such position that it shall appear on the outside when the ballot is folded. The county auditor shall cause official ballots to be numbered consecutively beginning with number one, for each separate voting precinct.

(9) Official ballots for a given precinct shall not contain the names of nominees for justices of the peace and constables of any other precinct except in cases of municipalities where a number of precincts vote for the same nominee for justices of the peace and constables and in the latter case the ballots shall contain only the names to be voted for by the electors of such precinct. Each party column shall be two and five-eighths inches wide.

(10) If the election is in a year in which a president of the United States is to be elected, in spaces separated from the balance of the party tickets by a heavy black line, shall be the names and spaces for voting for candidates for president and vice president. The names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with one three-eighths inch square to the right in which the voter indicates his choice.

(11) On the top of each of said ballots and extending across the party groups, there shall be printed instructions directing the voters how to mark the ballot before the same shall be deposited with the judges of election. Next after the instructions and before the party group shall be placed the questions of adopting constitutional amendments or any other question authorized by law to be submitted to the voters of such election. The arrangement of the ballot shall in general conform as nearly as possible to the form hereinafter given.

Instructions: If you desire to vote for any candidate, place X in at the right of the name of such candidate.

(Here place any state or local questions to be voted on.)

REPUBLICAN PARTY	DEMOCRATIC PARTY	OTHER PARTY
PRESIDENT AND VICE PRESIDENT BENJAMIN F. HARRISON. } <input type="checkbox"/> LEVI P. MORTON }	PRESIDENT AND VICE PRESIDENT GROVER CLEVELAND } <input type="checkbox"/> A. G. THURMAN }	
UNITED STATES SENATOR WATSON C. SQUIRE..... <input type="checkbox"/>	UNITED STATES SENATOR C. W. GRIGGS..... <input type="checkbox"/>	
GOVERNOR ELISHA P. FERRY..... <input type="checkbox"/>	GOVERNOR EUGENE SEMPLE <input type="checkbox"/>	
LIEUTENANT GOVERNOR CHAS. E. LAUGHTON..... <input type="checkbox"/>	LIEUTENANT GOVERNOR L. H. PLATTER..... <input type="checkbox"/>	
SECRETARY OF STATE ALLEN WEIR <input type="checkbox"/>	SECRETARY OF STATE W. H. WHITTLESEY..... <input type="checkbox"/>	

STATE REPRESENTATIVE
 District No. 20
 Vote for three only

ANDREW ANDERSON..... <input type="checkbox"/>		JANE DOE <input type="checkbox"/>
	JOHN DOE..... <input type="checkbox"/>	
JOHN BROWN..... <input type="checkbox"/>		B. H. KILROY..... <input type="checkbox"/>
	RICHARD ROE <input type="checkbox"/>	
HENRY SMITH <input type="checkbox"/>		TILLY OLSON <input type="checkbox"/>
	WM. WILLIAMS <input type="checkbox"/>	

County Commissioner First District	County Commissioner First District	County Commissioner First District
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(Names of other candidates should follow on the ballot in same form.)

29.30.090 General election ballots—Size—Uniformity. The ballots shall be eight inches in width and of such length as shall be necessary to print the names of all the candidates entitled to appear thereon. All of the official ballots shall be of the same size for each and every precinct, and shall not vary one-eighth of an inch in breadth from the above specification. No ballot shall bear any impression, device, color, or thing designated to distinguish such ballot from other legal ballots, or whereby the same may be known or designated.

29.30.100 General election ballots—What names to appear. The names of the persons certified as the nominees resulting from a primary election by the state canvassing board or the county canvassing board shall be printed on the official ballot prepared for the ensuing election.

No name of any candidate whose nomination at a primary is required by law shall be placed upon the ballot unless it appears upon the certificate of either (1) the state canvassing board, or (2) the county canvassing board, or (3) a minor party convention, or (4) of the state or county central committee of a major political party to fill a vacancy on its ticket occasioned by any cause on account of which it is lawfully authorized so to do.

29.30.110 Nominee at primary precluded from being candidate of another party at general. No person who has offered himself as a candidate for the nomination of one party at the primary shall have his name printed on the ballot of the succeeding general election as the candidate of another political party.

29.30.130 Expense of printing and distributing ballots. The printing of ballots and cards of instruction for electors and the delivery of the same to election officers shall be a charge against the county, city, town or other political subdivision by or for which the election is held.

Chapter 29.33

VOTING MACHINES

29.33.010 Definitions. The following words used in this chapter have the meaning given them in this section:

(1) "Ballot label" means the paper containing the names of offices and candidates and the statements of propositions to be voted upon;

(2) "Candidate counters" and "question counters" mean the counters on which are registered the votes cast for candidates and on questions respectively;

(3) "Public counter" means a counter or other device, which shall at all times publicly indicate how many times the machine has been voted on at an election;

(4) "Protective counter" or "protective devices" means a counter or device that will register each time the machine is operated and shall be so constructed, and so connected that it cannot be reset, altered or operated, except by operating the machine;

(5) "Diagram" means illustration of a voting machine complete with ballot labels prepared for a particular election or primary;

(6) "Irregular ballot" means a ballot cast by means of a voting machine by the use of a label which is a ballot label with no printing thereon;

(7) "Statement of canvass" means a statement in book form of the votes cast upon a voting machine together with suitable certificates of correctness or, if the voting machine is equipped with printed election returns mechanism, the printed returns therefrom, together with suitable certificates thereon;

(8) "Vote indicator" means the lever over each ballot label;

(9) "Voting machine booth" means the inclosure occupied by a voter while operating a voting machine;

(10) "Printed election returns" means the papers, original and duplicates, which are produced by the voting machine after the close of the polls and which have imprinted and inscribed thereon the complete record of votes cast in the election in the precincts where voting machines equipped with printed election returns mechanism are used.

29.33.015 Election defined. "Election" when used in this chapter shall include primaries, general and special elections except where the context indicates otherwise.

29.33.020 Authority for use—Applicability of statutes, city charters and ordinances. At all elections, ballots or votes may be cast, registered, recorded and counted by means of voting machines. The provisions of all statutes, charters and ordinances relating to elections and primaries shall apply to the use of voting machines in so far as they are consistent with the provisions of this chapter; in so far as they are inconsistent, they shall be of no force and effect in precincts where voting machines are used.

29.33.030 State voting machine committee—Members. The secretary of state, the state superintendent of public instruction and the insurance commissioner, ex officio, shall constitute the state voting machine committee.

29.33.040 State voting machine committee—General duties. The state voting machine committee shall examine all voting machines submitted to it and determine whether they conform to the statutory requirements and can be safely used by voters.

29.33.050 State voting machine committee—Submitting machines to. Any owner of a voting machine or any person or corporation interested therein may submit it to the state voting machine committee for examination and the committee must publicly examine and report upon the machine so submitted.

29.33.060 State voting machine committee—Employees authorized. The voting machine committee may employ not more than three expert machinists to assist it in examining machines. The machinists shall receive not more than ten dollars per day to be paid by the person or corporation who submits the machine for examination.

29.33.070 State voting machine committee—Reports on machines. Within thirty days after completing the examination of a voting machine, the voting machine committee shall make and file with the secretary of state its report thereon together with such description, drawings, and photographs as will clearly identify the machine examined and the mechanical operation thereof.

29.33.080 Reports on machines—Transmittal to local governmental units. Within ten days after receiving a report on a voting machine from the state voting machine committee, the secretary of state shall send a copy thereof to the board of county commissioners of each county, and to the governing body of every city, town, and district within the state. Only voting machines which have

the approval of the state voting machine committee may be used for conducting any election, but any change or improvement thereon that does not impair its accuracy, efficiency, or capacity may be made without the necessity of a reexamination or reapproval.

29.33.090 Requirements of voting machines for approval. No voting machine shall be approved by the state voting machine committee unless it is constructed so as to fulfill the following requirements:

- (1) It shall secure to the voter secrecy in the act of voting;
- (2) It shall provide facilities for voting for the candidates of as many political parties or organizations as may make nominations, and for or against as many measures as may be submitted;
- (3) Except at primary elections the voting devices for the candidates shall be arranged in separate parallel party lines, one or more lines for each party and in parallel office rows transverse thereto;
- (4) It shall permit the voter to vote for any person for any office that he shall have the right to vote for but none other;
- (5) It shall permit the voter to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties;
- (6) It shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for but no more;
- (7) It shall prevent the voter from voting for the same person more than once for the same office;
- (8) It shall permit the voter to vote for or against any measure he may have the right to vote on but none other;
- (9) It shall correctly register or record all votes cast for any and all persons and for or against any and all measures;
- (10) It shall be provided with a lock or locks by which all operation of the registering mechanism can be prevented as soon as the polls of the election are closed;
- (11) It shall be provided with a protective counter whereby any operating or tampering with the machine before or after the election will be detected;
- (12) It shall be provided with a counter which will show at all times during an election how many persons have voted;
- (13) It shall be provided with a mechanical model, illustrating the manner of voting on the machine suitable for the instruction of voters;
- (14) It shall be provided with one device for each party for voting for the presidential and vice presidential candidates of said party in the years in which said officers are elected.

29.33.100 Purchase of machines—Authority for. The governing body of any public corporation may adopt and provide for the use of voting machines approved by the state voting machine committee in any or all of the election precincts thereof.

29.33.110 Purchase of machines—Joint use and purchase authorized. In purchasing voting machines, the board of county commissioners of a county, and the governing body of one or more of the public corporations therein may enter into an agreement to provide for the joint purchase and subsequent ownership thereof and for the care, maintenance and use of the same.

29.33.120 Purchase of machines—Manner of payment. The governing body of a public corporation for the purpose of paying for voting machines may provide for the payment thereof in such manner as it may deem for its best interest, may issue or sell at not less than par negotiable obligations bearing interest at a rate not to exceed five percent per annum and may make their payment a charge upon the corporation or may pay for the same in cash out of its general or current expense fund or otherwise; and may contract for the purchase of such machines with regard to price, manner of purchase and time of payment as to it shall seem proper, and in estimating the amount of taxes for the general or current expense fund, if any, such amount shall be added, extending over such time as may be required to pay for such machines.

29.33.130 Custodians. The county auditor of a county, the city clerk, or proper officer of a district, in which voting machines are to be used shall cause them to be properly prepared therefor; and for that purpose shall employ for such time as is necessary one or more competent persons who shall be election officers known as the voting machine custodians. Voting machine custodians shall be sworn to perform their duties honestly and faithfully, and shall be paid for the time actually spent in the discharge of their duties. One custodian shall be employed for each twenty machines; if more than one is employed they shall be selected from the political parties entitled to representation on a board of election officers.

29.33.140 Chief custodian. The county auditor of a county, the clerk of a city or district, having two hundred voting machines or more, shall appoint a permanent employee who shall be a competent mechanic. He shall be known as the chief custodian of voting machines, shall be sworn to perform his duties honestly and faithfully, and shall furnish a corporate surety bond in the sum of five thousand dollars for the honest and faithful performance of his duties. His salary shall be set by the board of county commissioners, paid out of the current expense fund of the county or the general fund of the city or district, as the case may be.

The chief custodian of voting machines shall supervise the work of all other voting machine custodians, and shall instruct and supervise them and have general charge of the preparation and approval of voting machines for elections.

He shall also have charge of the instruction schools for election officials, and of the procuring and rental of all polling places in precincts where voting machines are to be used. He shall have continuous charge of the maintenance, upkeep and care of the voting machines in his jurisdiction.

29.33.150 Preparation of machine for use. In preparing a voting machine for an election, the custodian shall arrange the machine and labels therefor according to the printed directions furnished by the auditor or clerk so that it will in every particular meet the requirements for voting and counting at such elections, thoroughly test same, and certify thereto to the said auditor or clerk. A voting machine may be so arranged for an election that the names of candidates nominated independently may be placed in the same party row with those nominated by a major political party, if such placing does not prevent such independently nominated candidates from being voted for individually. It may also be so arranged that candidates nominated independently, or by political organizations which nominated but one candidate, are placed in the same party row and voted for individually; in which event the party voting device of the party row shall be locked against movement, and the political designation of each candidate shall be printed upon the ballot labels in connection with his name. The auditor or clerk shall direct the arrangement of all ballot labels on a voting machine in case of nonpartisan primaries and elections in cities of the first class operating under freeholders' charters, so that the **arrangement** of the names of candidates shall conform as nearly as practicable to the provisions for the arrangement of names on paper ballots. In all other cases of nonpartisan primaries and elections, and in all cases of party primaries and elections, the arrangement of names of candidates upon the ballot labels shall conform as nearly as practicable to the statutory provisions for the arrangement of names on paper ballots.

After being prepared for a primary or an election, each machine shall be examined by the auditor or clerk, and if it was prepared in accordance with law for use thereat, he shall file a certificate thereof in his office. The custodian shall cause all voting machines to be delivered to the polling places in charge of an authorized official who shall certify to their delivery in good order on the certificate furnished therefor. After such delivery the auditor or clerk shall provide proper protection therefor. The custodian shall provide a lantern or proper light for every machine, which light

shall be in good order and give sufficient light to enable voters while in the booth to read the ballot labels, and suitable for use by the election officers in examining the counters.

29.33.160 General provisions for use. General provisions with reference to use of voting machines are:

(1) The list of offices and candidates and the statements of measures when properly arranged and affixed by ballot labels to a voting machine shall be deemed an official ballot.

(2) A "diagram" as in this chapter defined shall be deemed a sample ballot.

(3) The protective counter on a voting machine must be so constructed that it cannot be reset, altered, or operated except by operating the machine in the manner it is operated when actually voting.

(4) Statements of canvass take the place of tally-keepers, statements, and returns provided for in connection with voting in precincts where voting machines are not used.

(5) Not later than forty days before any primary or election, for the purpose of using one or more voting machines therein, the election authority may create, unite, combine or divide election precincts. More than one voting machine may be used in the same precinct. There shall be at least one machine in each precinct: *Provided*, That where precincts have been combined under the provisions of this chapter, there shall be used at such combined polling place a number of voting machines no less than the number of precincts so combined.

(6) No voting machine shall be used at any election unless each party voting device thereon is locked against movement, and the machine has been prepared in such a way that the voter cannot by a single operation vote for all the candidates of one party.

29.33.170 Exhibiting specimen machines. Before each election at which voting machines are to be used the custodian shall place on public exhibition a suitable number of machines for the proper instruction of voters. Such machines shall be so arranged and so equipped with ballot labels as to best illustrate the method of voting at that election, and so far as practical shall contain the names of the offices to be filled, the names of the candidates to be voted for, together with their proper party designations, in case of party elections, and statements of the measures to be voted on.

29.33.180 Publication of diagrams. Not more than ten nor less than three days before each election at which voting machines are to be used the board or officer charged with the duty of providing ballots shall publish in newspapers representing at least two political parties a diagram of reduced size showing the face of the

voting machine after the official ballot labels are arranged thereon, together with illustrated instructions how to vote and a statement of the locations of voting machines which are on public exhibition. In lieu of publication thereof, the board or officer may send by mail or otherwise at least three days before the elections a printed copy of the diagram to each registered voter.

29.33.190 Printed matter and supplies. The board or officer charged with the duty of providing ballots shall provide for each voting machine for each election the following printed matter and supplies:

(1) Suitable printed or written directions to the custodian for testing and preparing the voting machines for the election;

(2) One certificate on which the custodian can certify that he has properly tested and prepared the voting machine for the election;

(3) One certificate on which some person other than the custodian can certify that the voting machine has been examined and found to have been properly prepared for the election;

(4) One certificate on which the party representatives can certify that they have witnessed the testing and preparation of the machines;

(5) One certificate on which the deliverer of the machines can certify that he has delivered the machines to the polling places in good order;

(6) One card stating the penalty for tampering with or injuring a voting machine;

(7) Two seals for sealing a voting machine;

(8) One envelope in which the keys to the voting machine can be sealed and delivered to the election officers, said envelope to have printed or written thereon the designation and location of the election precinct in which the machine is to be used, the number of the machine, the number shown on the protective counter thereof after the machine has been prepared for the election and the number or other designation on such seal as the machine is sealed with; said envelope to have attached to it a detachable receipt for the delivery of the keys to the voting machine to the inspector of election;

(9) One envelope in which the keys to the voting machine can be returned by the inspector of election;

(10) One card stating the name and telephone address of the custodian on the day of election;

(11) One statement of canvass on which the election officers can report the canvass of the votes as shown on the voting machine together with other necessary information relating to the election;

(12) Two diagrams;

(13) Five suitable printed instructions to the inspector of election;

(14) Three notices to inspectors and judges of election to attend the instruction meetings;

(15) Three certificates that the inspector and judges of an election have attended the instruction meeting, have received the necessary instruction, and are qualified to conduct the election with the machine;

(16) A sufficient number of paper ballots or extra diagrams for use in case it shall be impossible to make use of the voting machine in any such precinct or precincts;

(17) Three complete sets of the ballot labels; the ballot labels shall be printed in black ink on clear white material of such size and arrangements as to suit the construction of the machine. The titles of the offices on the ballot labels shall be printed in type as large as the space for such office will reasonably permit, and where more than one candidate can be voted for an office, there shall be printed below the office title the words "vote for any two," or such number as the voter is lawfully entitled to vote for out of the whole number of candidates nominated.

The ballot labels for measures may contain a condensed statement of each measure to be voted on, accompanied by the words "Yes" and "No."

29.33.200 Samples of printed matter provided for first elections.

Within a proper and reasonable time before the first election at which voting machines are used, the secretary of state shall prepare samples of the printed matter and supplies to be used in connection with voting by voting machines. The samples must meet the requirements and suit the construction of the machine to be used. One sample of each piece of material must be furnished to the board or officer in charge of the election in each public corporation in which voting machines are to be used.

29.33.210 Precinct officers—Variation in number and character.

If more than one machine is to be used in a precinct, one additional inspector of election shall be appointed for each additional machine. In any voting precinct where the number of registered voters is less than one hundred the election board may consist of one inspector, one judge and one clerk.

29.33.220 Precinct officers—Instruction in use of machines. Before each election at which voting machines are to be used, the custodian shall instruct all inspectors and judges of election who are to serve thereat in the use of the machine 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 elec-

tion with a machine 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. As compensation for the time spent in receiving instruction each inspector and judge who qualifies and serves in the election shall receive the sum of two dollars 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 election at which a voting machine is used unless he has received the required instruction and is fully qualified to perform his duties in connection with the machine and has received a certificate to that effect from the custodian of the machines: *Provided*, That this shall not prevent the appointment of an inspector, or judge of election to fill a vacancy in an emergency.

29.33.230 Machines kept locked after election—Exceptions. Except for reopening to make a recanvass, the registering mechanism of each machine used in any primary or election shall remain locked and sealed against operation for thirty days following any state or county primary or election and for eight days following any primary or election held by a city or other constituency not greater than a county.

Chapter 29.36

ABSENTEE VOTING

29.36.010 When permissible—Application. Any duly registered voter may vote an absentee ballot for any primary or election in the manner provided in this chapter providing that one of the following conditions is applicable:

- (1) The voter expects to be absent from his precinct during the polling hours on the day of the primary or election; or
- (2) The voter is unable to appear in person at his polling place to cast a ballot because of illness or physical disability; or
- (3) The voter, because of his religious tenets, cannot with clear conscience cast his ballot on the day of the primary or election.

A voter desiring to cast an absentee ballot must apply in writing to his county auditor or city clerk (if he lives in a city or town) no earlier than forty-five days nor later than the day prior to any election or primary.

Such application must contain the voter's signature and may be made in person or by mail or messenger. If by mail or messenger, the registrar must honor a written application in any form if it states that the applicant cannot vote in person for any one of the

three reasons enumerated in this section: *Provided*, That no application for an absentee ballot shall be approved unless the voter's signature upon the certificate or application compares favorably with the voter's signature upon his permanent registration record.

29.36.020 Certificates. The certificate to be issued by a county or city registrar honoring a request for an absentee ballot shall state that:

- (1) The registrar can identify the applicant by his signature;
- (2) The applicant is a voter, registered and qualified to vote, giving the county or city or town and precinct in which he is qualified to vote and also his place of residence;
- (3) The applicant has affixed his signature to the certificate in the place provided therefor in the presence of the registrar; or the registrar has identified the applicant from the signature on his written application.

The certificate must be made in duplicate. If the voter is making his application in person, he shall sign both copies of said certificate. If the voter is making application by mail, the original certificate shall be affixed to his application.

All original certificates, together with applications affixed thereto, must be delivered to the officer having jurisdiction of the election, or his duly authorized representative, before an absentee ballot can be issued.

The duplicate certificate shall be securely attached to the applicant's permanent registration card until after the election.

29.36.030 Issuance of ballots and other materials — Envelopes. Upon receipt of the certificate, either signed by the voter or attached to the voter's signed application, the officer having jurisdiction of the election, or his duly authorized representative, shall issue an absentee ballot for the election concerned.

In addition, if other elections, including special or general, are also being held on the same day and it can be determined that the absentee voter is qualified to vote at such elections, such additional absentee ballots shall be automatically issued to the end that, whenever possible, each absentee voter receives the ballots for all elections he would have received if he had been able to vote in person.

The election officer, or his duly authorized representative, shall include the following additional items when issuing an absentee ballot:

- (1) Instructions for voting.
- (2) A size #9 envelope, capable of being sealed and free of any identification marks, for the purpose of containing the voted absentee ballot.

(3) A size #10 envelope, capable of being sealed and pre-addressed to the issuing officer, for the purpose of returning the #9 envelope containing the marked absentee ballot.

Upon the left hand portion of the face of the larger envelope shall also be printed a blank statement in the following form:

State of }
 County of } ss.

I,, do solemnly swear under the penalty as set forth in RCW 29.36.110 (see below), that I am a resident of and qualified voter in precinct of city in county, Washington; that I have the legal right to vote at the election to be held in said precinct on the day of, 19.....: That I have not voted another ballot and have herein enclosed my ballot for such election.

(signed).....
 Voter

Penalty provision: Any person who violates any of the provisions, relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment for not more than five years or a fine of not more than five thousand dollars, or by both such fine and imprisonment.

29.36.035 Qualifications to delivery of ballot. The delivery of an absentee ballot for any primary or election shall be subject to the following qualifications:

- (1) Only the voter, himself, or a member of his family may pick up an absentee ballot at the office of the issuing officer.
- (2) Except as noted in subsection (1) above, the issuing officer shall mail the absentee ballot directly to each applicant.
- (3) No absentee ballot shall be issued on the day of the primary or election concerned.

29.36.040 Instructions for voting absentee ballot. Enclosed with the ballot, small envelope and large envelope sent to the absent voter shall be separate printed instructions which the absent voter must observe as follows:

“Upon receipt of this ballot you must mark it and transmit it in accordance with these instructions according to law:

- (1) Having marked the ballot, fold it and enclose it in the smaller envelope, sealing the envelope.
- (2) Fill out and sign the statement on the larger envelope.
- (3) Place the small envelope containing the ballot in the larger one, seal that, attach sufficient first class postage and mail it so that it will be postmarked the day of election or sooner or instead

of mailing you may send it by any means which will enable it to reach the county auditor or other issuing officer on or before election day."

29.36.050 Prohibition against voting in home precinct. No voter to whose permanent registration card there is attached a duplicate of an absentee voter's certificate of registration for any election shall be allowed to vote at such election in the precinct from which he is registered.

29.36.060 How incoming absentee ballots are handled. The opening, counting and canvassing of absentee ballots cast at any primary or election, special or general, may begin on the day after such primary or election is held 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.

29.36.070 Canvassing absentee ballots. Upon the canvass of the votes, if there are on file one or more absentee ballot inner envelopes, the canvassing authority shall cause such envelopes to be opened and the ballots to be grouped and counted without regard as to precinct by legislative districts if the election is a state primary or state election, special or general.

These ballots shall be made a part of the returns and handled accordingly.

29.36.075 Uncontested offices—Ballots not to be tabulated—Voter credited with voting—Retention of uncounted ballots. Canvassing boards of any primary or election, including a state primary or state general election, shall not tabulate or record votes cast by absentee ballots on any uncontested office.

Each voter casting an absentee ballot not counted as provided in this section, nevertheless, shall be credited with voting on his permanent voting history record. Further, such uncounted absentee ballots shall be retained for the same length of time and in the same manner as paper ballots cast in person as provided by RCW 29.54.070.

29.36.077 ———Counting of uncounted ballots on candidate's request. If the official canvass of any primary or election has been completed and the statutory time has elapsed in which to file a recount or contested election, should any candidate desire to have such uncounted absentee ballots counted which were cast on his position, such request shall be honored under the following conditions:

(1) The request must be made in writing and filed within sixty days following such primary or election with the officer who conducted the election.

(2) The count of such absentee ballots is to be done informally and at the convenience of the election officer concerned but in no event shall the count be delayed more than sixty days from the time the application is filed.

29.36.095 List of absentee voters. Precinct office not to appear on ballot. After the completion of the canvass of the election returns of any primary or election, the canvassing authority shall cause the names of the persons casting absentee ballots to be listed alphabetically and by precincts, according to incorporated and unincorporated areas. Such lists of absentee voters shall be sent to the appropriate registration officer who shall enter on the respective voters registration record in the space provided for that purpose, the month, day and year of the primary or election (for example 11/2/54): *Provided*, That no precinct office shall appear upon an absentee ballot.

29.36.100 Challenges. The vote of any absent voter may be challenged for any cause at the time the same is canvassed by the canvassing board which shall have all the power and authority given by law to officers of election to determine the legality of such ballot.

29.36.110 Violations and penalty. Any person who violates any of the provisions of this chapter, relating to swearing and voting,

shall be guilty of a felony and shall be punished by imprisonment for not more than five years or a fine of not more than five thousand dollars, or by both such fine and imprisonment.

Chapter 29.39

ABSENTEE SERVICE VOTERS

29.39.010 "Service voter," "armed forces," "members of the merchant marine of the United States," "dependent" defined. "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.

(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 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.

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.

29.39.020 "Primary," "primary election" defined. "Primary" or "primary election" means a method provided by statute for nominating candidates to office.

29.39.030 "Election" defined. "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.

29.39.040 "Date of mailing the ballot" defined. "Date of mailing the ballot" means the date stated on the declaration on the larger envelope and not the date of the postal cancellation thereon.

29.39.050 "Territorial limits of the United States" defined. "Territorial limits of the United States" means the fifty states of the United States and the District of Columbia.

29.39.060 Absentee voting under federal law to be valid. Whenever by any statute of the United States, provision is made for absentee voting, an application for an absent voter's ballot made under the provisions of that law may be given the same effect as an application for an absent voter's ballot made under this chapter.

29.39.070 Must coordinate with federal authority. All public officers having duties to perform under this chapter shall coordinate their efforts with the action of any federal authority now or hereafter established by act of congress for the purpose of facilitating voting by service voters to the end that such voters may cast their ballots with the least possible interference with the performance of their duties in the armed forces.

29.39.080 Name variations not to invalidate ballot. A variation on any absent voter's ballot cast by a service voter between the signature on the large envelope and that on the service voter's request and/or that on the voter's permanent registration card caused by the substitution of initials instead of the first or middle names or both shall not invalidate the ballot if the surname and handwriting are the same.

29.39.090 Application deemed to be for next election. Whenever an application for an absent voter's ballot is made by a service voter, the application shall be deemed an application for an absent voter's ballot for the primary and the election, or such of them as would be required to be held subsequent to the date of application.

29.39.100 Application for absent voter's ballot. Any service voter may secure an absent voter's ballot by mailing a signed request to the registration office of the county, city or town of the service voter's residence or to the secretary of state requesting such ballot. If the ballot request is addressed to the secretary of state such request shall be forwarded by such officer immediately to the appropriate registration officer. The request shall be signed by the appli-

cant and shall state his last home address, the address to which he wishes the absent voter's ballot mailed and the facts qualifying him as a service voter.

29.39.110 Action upon application. Upon receipt of a request made by or on behalf of a service voter for an absent voter's ballot, the registration officer shall immediately check his records and ascertain if the person by, or on whose behalf the request is made, is a duly registered voter as provided by chapter 29.07 RCW, and the registration officer shall make notation on his records to that effect. If such person is a resident of an incorporated city or precinct lying partly within and partly without such incorporated city, the registration officer, after completing such check, shall immediately forward the request to the county auditor noting thereon whether or not such person is a registered voter. If it is determined that such person is not a registered voter, the county auditor shall nevertheless send the absent voter's ballot requested, it being the intent of this section that the county auditor shall upon request send absent voter's ballots to all eligible service voters who make application therefor.

29.39.120 Mailing ballot to voter. In mailing absent voter's ballots to service voters, the county auditor shall send the ballot and a small envelope and letter of instructions together with a larger envelope addressed to the county auditor and upon which there shall be plainly printed a form in substantially the following language:

"DECLARATION

"I do hereby declare that I am a citizen of the United States; that I will be at least twenty-one (21) years of age on the day of the next election; that I am able to read and speak the English language; that I have been a legal resident of the state of Washington for at least one year, of the county of for at least ninety days and of the city or town of at (street and number if any) for at least thirty (30) days preceding such election; that I am a service voter under the laws of the state of Washington.

If possible give precinct name or number here

Dated this day of, 19.....

.....
Print name for positive identification

.....
Signature of applicant

Article VI, section 4 of the state Constitution provides: For the purpose of voting and eligibility to office, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while in the civil or military service of the state or of the United States, nor while a student at any institution of learning, nor while engaged in the navigation of the waters of this state or of the United States, or of the high seas.

Person making false statement in his declaration is guilty of perjury."

29.39.130 Ballot sent air mail and free postage where possible. Whenever the county auditor is requested to mail an absent voter's ballot to a service voter, he shall mail the ballot to the service voter by air mail when practicable, and, if by any law of the United States, official election ballots may be mailed without the payment of postage, he shall do so.

29.39.140 Voter's declaration deemed registration—Mailing of ballot by voter. A properly executed declaration on the larger envelope is hereby declared to be a full and complete voter's registration for the election for which it is submitted. After the declaration is fully executed the service voter shall proceed to mark the ballot; then fold it and enclose it in the smaller envelope, sealing that and enclosing it in the larger envelope which shall then be sealed and mailed to the county auditor whose name and address are printed thereon, by air mail, postage to be paid by the addressee, unless the laws of the United States provide for air mail transmission of such ballot without charge.

29.39.150 Ballots and envelopes — Forms — Expense. Notwithstanding any provision of law relating to the size and weight of the ballot or the envelopes in which absent voters' ballots are sent for either the primary or election, the secretary of state may reduce the size and weight of the ballot. He shall furnish uniform envelopes and all forms other than ballots for use in connection with ballots for service voters, and shall reimburse the respective county auditors for expenses of mailing. Each county auditor shall, through the respective boards of county commissioners, present such expenses listed upon state voucher forms in duplicate. The secretary of state, after the approval of the vouchers, shall then present them to the state treasurer for payment.

29.39.160 Instructions to voters—Preparation—Enclosure. The secretary of state shall prepare letters of instructions to service voters and shall furnish them to all county auditors. The county auditors shall enclose one copy of such instructions with the ballot sent to all service voters.

29.39.170 Certain time limits shall not apply. All procedure governing the receipt and subsequent handling of absent voters' ballots shall be governed by the provisions of chapter 29.36 RCW, but the respective time limits within which some specific act on the part of the county auditors and canvassing boards is required to be done shall not apply to absent voters' ballots cast by service voters, it being the intent of this section that every facility shall be given to such absent voters' ballots cast by service voters so that such ballots shall be counted if possible.

29.39.180 Officials shall expedite service voting. The state canvassing board, all county canvassing boards and all county auditors and registration officials shall make no undue delay in performing any of the specific actions hereby imposed upon them. All ballots shall be printed as soon as possible after the same can be made up in order that there may be no delay in the forwarding of absent voters' ballots to service voters so as to afford ample time to all service voters for voting as herein provided.

29.39.190 Secretary of state shall administer chapter. The secretary of state shall administer this chapter. He shall direct all election officials in respect to their duties under this chapter, publicize the provisions of the election laws, and make such rules and regulations as will facilitate the operation and the accomplishment of the purposes of this chapter.

29.39.200 Penalties for false statements and violations. Any person who makes a false statement in his declaration upon the larger envelope used to transmit his ballot shall be guilty of perjury in the second degree and punished accordingly. Any person violating any other provision of this chapter shall be guilty of a misdemeanor.

29.39.900 Liberal construction. This chapter shall be liberally construed to accomplish its purposes and so that all service voters may be afforded an opportunity to fully exercise their voting rights granted herein.

Chapter 29.42

POLITICAL PARTIES

29.42.010 Authority—Generally. Each political party organization shall have the power to:

- (1) Make its own rules and regulations;
- (2) Call conventions;
- (3) Elect delegates to conventions, state and national;
- (4) Fill vacancies on the ticket;
- (5) Provide for the nomination of presidential electors; and

(6) Perform all functions, inherent in such an organization: *Provided*, That in no instance shall any convention have the power to nominate any candidate to be voted for at any primary election.

29.42.020 State committee. The state committee of each major political party shall consist of one committeeman and one committeewoman from each county elected by the county committee at its organization meeting. It shall have a chairman and vice chairman who must be of opposite sexes.

29.42.030 County central committee—Organization meetings. 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 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.

29.42.040 Precinct committeeman, who is eligible. 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.

29.42.050 Precinct committeeman—Election—Declaration of candidacy, fee—Term—Vacancy. 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 third Monday in August immediately preceding the state primaries, and the office shall not be voted upon at the primaries, but the names of all candidates must appear under the proper party and office designations on the ballot for the general November election and the one receiving the highest number of votes shall be declared elected: *Provided*, That to be declared elected, a candidate must receive at least ten percent of the number of votes cast for the candidate of his party receiving the greatest

number of votes in his precinct. Any person elected to the office of precinct committeeman who has not filed a declaration of candidacy shall pay the fee of one dollar to the county auditor for a certificate of election. The term of office of precinct committeeman shall be for two years, commencing upon completion of the official canvass of votes by the county canvassing board of election returns. Should any vacancy occur in this office by reason of death, resignation or disqualification of the incumbent, or because of failure to elect, the respective county chairman of the county central committee shall be empowered to fill such vacancy by appointment: *Provided*, That the person so appointed shall have the same qualifications as candidates when filing for election to such office for such precinct: *Provided further*, That when a vacancy in the office of precinct committeeman exists because of failure to elect at a state general election, such vacancy shall not be filled until after the organization meeting of the county central committee and the new county chairman selected as provided by RCW 29.42.030.

Chapter 29.45

PRECINCT ELECTION OFFICERS

29.45.010 Appointment of judges and inspector. At least ten days prior to the primary or election day, the county auditor or other appointing body or officer, where the law so provides in elections in lesser constituencies, shall appoint one inspector and two judges of election for each precinct from among the names contained on the lists therefor furnished by the chairman of the county central committee of the political parties entitled to representation thereon.

He or they shall designate the inspector and one judge in each precinct from that political party which polled the highest number of votes in the county for its candidate for president at the last preceding general election at which a president of the United States was voted for, and one judge from that political party polling the next highest number of votes in the county for its candidate for president at the same election.

29.45.020 Appointment of clerks. Before the time for opening the polls, the inspector and judges for each precinct shall appoint two registered voters to act as clerks except that in precincts in which voting machines are used and in precincts in which there are less than one hundred registered voters, the judges of election shall perform the duties required to be performed by clerks.

29.45.030 Nomination of eligibles for judges and inspector. The precinct committeeman of each major political party shall certify

to his county chairman a list of those persons belonging to his political party qualified to act upon the election board in his precinct.

At least fifteen days prior to the primary election day the chairman of the county central committee of each major political party shall certify to the county auditor or other appointing board or officer a list of those persons belonging to his political party in each precinct qualified to act on the election board therein. The county chairman shall compile this list from the names certified by the various precinct committeemen unless no names or not sufficient names have been certified from a precinct, in which event he may include therein the names of qualified members of his party selected by him residing in that precinct.

29.45.040 Vacancies—How filled—Inspector's authority. If no election officers have been appointed for a precinct, or if at the hour for opening the polls none of those appointed is present at the polling place therein, the voters present may appoint the election board for that precinct. One of the judges may perform the duties of clerk of election. The inspector shall have the power to fill any vacancy that may occur in the board of judges, or by absence or refusal to serve of either of the clerks after the polls have been opened.

29.45.050 Two sets of precinct election officers—Counting board. 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 one hundred or more but less than two hundred registered voters there may be appointed, at a state primary or state general election, two sets of inspectors and judges as provided in RCW 29.04.020 and 29.45.010. In making such appointments one set shall be designated as the counting board who shall count the ballots cast thereat and the other set shall perform all other powers and duties imposed by law for such elections. The county auditor shall at the same time make suitable provisions to make effective the provisions of RCW 29.45.050, 29.45.060, 29.54.030, 29.54.035 and 29.54.045.

29.45.060 Duties—Generally The inspector and judges of election in each precinct shall conduct the elections therein and receive, deposit, and count the ballots cast thereat and make returns to the proper canvassing board or officer except that when two sets of inspectors and judges are appointed as provided in RCW 29.45.050:

(1) The counting board may appoint clerks as provided in RCW 29.45.020; and

(2) The ballots shall be counted as provided in RCW 29.54.030 and RCW 29.54.045.

29.45.070 Inspector to be chairman—Authority. The inspector shall be chairman of the board and after its organization shall have power to administer all necessary oaths which may be required in the progress of the election.

29.45.080 Oaths of officers required. The inspector, judges, and clerks of election, before entering upon the duties of their offices, shall take and subscribe the prescribed oath or affirmation which shall be administered to them by any person authorized to administer oaths and verified under the hand of the person by whom such oath or affirmation is administered. If no such person is present, the inspector shall administer the same to the judges and clerks, and one of the judges shall administer the oath to the inspector.

The county auditor shall furnish two copies of the proper form of oath to each precinct election officer, one copy thereof, after execution, to be placed and transmitted with the election returns.

29.45.090 Oath of inspectors, form of. The following shall be the form of the oath or affirmation to be taken by each inspector:

“I, A B, do swear (or affirm) that I will duly attend to the ensuing election, during the continuance thereof, as an inspector, and that I will not receive any ballot or vote from any person other than such as I firmly believe to be entitled to vote at such election, without requiring such evidence of the right to vote as is directed by law; nor will I vexatiously delay the vote of, or refuse to receive, a ballot from any person whom I believe to be entitled to vote; but that I will in all things truly, impartially, and faithfully perform my duty therein to the best of my judgment and abilities; and that I am not, directly nor indirectly, interested in any bet or wager on the result of this election.”

29.45.100 Oath of judges—Form. The following shall be the oath or affirmation of each judge:

“We, A B, do swear (or affirm) that we will as judges duly attend the ensuing election, during the continuance thereof, and faithfully assist the inspector in carrying on the same; that we will not give our consent to the receipt of any vote or ballot from any person, other than one whom we firmly believe to be entitled to vote at such election; and that we will make a true and perfect return of the said election and will in all things truly, impartially, and faithfully perform our duty respecting the same to the best of our judgment and abilities; and that we are not directly nor indirectly interested in any bet or wager on the result of this election.”

29.45.110 Oath of clerks—Form. The following shall be the form of the oath to be taken by the clerks:

“We, and each of us, A B, do swear (or affirm) that we will impartially and truly write down the name of each elector who

votes at the ensuing election, and also the name of the county and precinct wherein the elector resides; that we will carefully and truly write down the number of votes given for each candidate at the election as often as his name is read to us by the inspector and in all things truly and faithfully perform our duty respecting the same to the best of our judgment and abilities, and that we are not directly nor indirectly interested in any bet or wager on the result of this election.”

29.45.120 Compensation. The fees of officers of election shall be as follows:

To the judges and clerks of an election not less than one dollar, nor more than one dollar and fifty cents per hour for full time employed by each of them, the exact amount to be fixed by the respective boards of county commissioners for each county. To inspectors, the rate paid to judges and clerks plus an additional two hours' compensation. The precinct election officer picking up the election supplies and returning the election returns to the county auditor shall be entitled to additional compensation, the exact amount to be determined by the respective boards of county commissioners for each county.

Chapter 29.48

POLLING PLACE REGULATIONS BEFORE POLLS OPEN

29.48.005 Polling place—May be located outside precinct. Polling places for the various voting precincts may be located outside the boundaries of the respective precincts, when the officers conducting the primary or election shall deem it feasible: *Provided*, That such polling places shall be located within a reasonable distance of their respective precincts. The purpose of this section is to furnish adequate voting facilities at readily accessible and identifiable locations and nothing herein shall be construed as affecting the number, method of selection or duties of precinct election officers.

29.48.007 Polling place—Use of school facilities. The board of directors of each school district shall cooperate with the county auditor by making schools available for use as polling places on the dates on which state primary and state general elections are held. When in the judgment of the county auditor the voters will be best served thereby, he shall notify the board of directors of the school district of the number of schoolrooms desired for use as polling places. The board of directors in cooperation with the county auditor shall designate the schools, schoolrooms or school facilities to be made available for use as such polling places and shall make

such schools, schoolrooms or school facilities available for that purpose. Payment for said polling places shall be made as provided by law.

29.48.010 Preparation of voting compartments. The inspectors of election at the expense of the county or other constituency shall provide in their respective polling places a sufficient number of booths or compartments, which shall be furnished with the supplies and conveniences necessary to enable the voter conveniently to prepare his ballot for voting, and in which electors may mark their ballots, screened from observation, and a guardrail so constructed that only persons within the rail can approach within fifty feet of the ballot boxes, or compartments. The number of compartments shall not be less than one for every fifty electors or fraction thereof registered in the precinct or voting at the last preceding election where there is no registration. In precincts containing less than twenty-five voters, the election may be conducted without the preparation of compartments.

29.48.020 Time for arrival of officers. The election officers of each precinct shall meet at the polling place thereof at least forty-five minutes before the time set for opening the polls.

29.48.030 Delivery of supplies. Before the hour for opening the polls at any primary or election and allowing a reasonable time for preparation thereof, the county auditor or other officer in charge of such primary or election shall deliver to the inspector or one of the judges of each precinct:

- (1) Two poll books;
- (2) Ballots equal in number to one hundred ten percent of the number of voters registered therein or such further number as the county auditor or other officer in charge of such primary or election may certify to be necessary, except where voting machines are used in which case a less number may be delivered;
- (3) A suitable ballot box (except when voting machines are in use), with lock and key, having an opening through the lid thereof of no larger size than sufficient to admit a single folded ballot;
- (4) Two cards of instructions to voters printed in English in large clear type containing full instruction to voters as to how:
 - (a) To obtain ballots for voting;
 - (b) To prepare the ballots for deposit in the ballot boxes;
 - (c) To obtain a new ballot in the place of one spoiled by accident or mistake;
- (5) The voters' registration files pertaining to the precinct;
- (6) Two tallying books which must be printed in relation to the sample ballots: *Provided*, That at primary elections (except where machines are used) there must be furnished to each precinct two

sets of tally books for each political party having candidates to be voted for and the first sheet of each tally book shall be headed:

“Tally book for (name of political party)
 (name of city) (county) (ward)
 (precinct) for the primary election held (date).”

The names of the candidates shall be placed on the tally sheets in the order in which they appear on the sample ballots and in each case have the proper party designation at the head thereof;

(7) Two certificates printed in relation to the sample ballots or two sample ballots prepared as blanks, for certification of the result by the precinct election officers;

(8) Sample ballots;

(9) Two oaths for each inspector, each judge and each clerk;

(10) Three pamphlets containing arguments on measures for submission to voters;

(11) One U.S. flag;

(12) All other supplies necessary for conducting the election or primary.

29.48.040 Additional supplies for voting machines. When voting machines are used the county auditor or other officer shall deliver to the inspector or one of the judges of each precinct not later than forty-five minutes before the time for opening the polls the following additional supplies:

(1) The key for each voting machine, sealed in an envelope upon which is written the designation and location of the polling place, the number of the voting machine, the number or other designation mark of the seal on the machine, and the number registered on the protective counter thereof as reported by the custodian;

(2) Two diagrams;

(3) One extra set of ballot labels;

(4) One envelope containing a seal for sealing the machine after the polls are closed;

(5) One envelope for the return of the keys;

(6) Two statements of canvass.

29.48.050 Receipt for key to voting machine. At the time of delivering the key to a voting machine, the county auditor or other officer shall require a receipt therefor bearing upon it the identical information required to be placed upon the envelope in which it is delivered.

29.48.060 Posting of instructions. The judges of election shall post in and about the polling place at least two voters' instruction cards and where voting machines are used at least two diagrams of the voting machine.

29.48.070 Inspection of ballot box. Before opening the polls, the ballot box shall be carefully examined by the judges of election that nothing may remain therein; it shall then be locked and the key thereof delivered to one of the judges, to be designated by the auditor or other officer and shall not be opened during the election except in the manner and for the purposes otherwise provided by law.

29.48.080 Inspection of voting machine. In precincts where machines are used the election officers before unlocking the machine for voting shall proceed as follows:

(1) They shall see that the voting machine is placed where it can be conveniently attended by the election officers and conveniently operated by the voters, and where, unless its construction requires otherwise, the ballot labels thereon can be plainly seen by the election officers and the public when not being voted on;

(2) They shall see that the model is placed where each voter can conveniently operate it and receive instructions thereon as to the manner of voting, before entering the machine booth;

(3) They shall post one diagram inside the polling room and one outside, in places where the voters can conveniently examine them;

(4) They shall see that the lantern or other means provided for giving light is in such condition that the voting machine is sufficiently lighted to enable voters to readily read the names on the ballot labels;

(5) They shall see that the ballot labels are in the proper places on the machine;

(6) They shall see whether the number or other designating mark on the seal sealing the machine, also the number registered on the protective counter agree with the number written on the envelope containing the keys. If they do not agree they shall at once notify the custodian and delay unlocking the machine, and opening the polls until he has reexamined the machine;

(7) If the numbers or marks on the envelope containing the keys and upon the machine do agree, they shall proceed to see whether the public counter and all the candidate and question counters register "000." If any of the counters are found to register a number other than "000", one of the judges shall at once notify the custodian who shall set such counter at "000;"

(8) Where voting machines equipped with printed election returns mechanism are used, they shall proceed to operate the mechanism provided to produce one imprinted "before election inspection sheet" showing whether the candidate and question counters register "000". If said sheet has imprinted thereon any numbers below any candidate's name or below any question's designation other

than "000" one of the judges shall, after the polls close, under the scrutiny of the other members of the board of election officials, deduct that number from that candidate's or question's total in the space provided for on the return sheet.

After performing their duties as provided in this section, the election officers shall certify thereto in the appropriate places on the statement of canvass as provided thereon. When the polls are declared open, one of the election officers shall break the seal and unlock the machine for voting.

29.48.090 Duty to display flag. At all primaries and elections the flag of the United States shall be conspicuously displayed in front of each polling place.

29.48.100 Proclamation opening the polls. The precinct election board, before they commence receiving ballots, shall cause it to be proclaimed aloud at the place of voting that the polls are now open.

Chapter 29.51

POLLING PLACE REGULATIONS DURING VOTING HOURS

29.51.010 Preventing interference with balloting. No person other than voters engaged in receiving, preparing, or depositing their ballots or a person present for the purpose of challenging a voter about to receive his ballot shall be permitted within the rail.

In the case of small precincts where compartments are not required, no person engaged in preparing his ballot shall be interfered with in any way except by some person authorized to assist him in preparing his ballot.

29.51.020 Electioneering within the polls forbidden—Prohibited practices as to ballots—Penalty. No person shall do any electioneering, or circulate cards or handbills of any kind, or solicit signatures to any kind of petition on primary or election day within any polling place, or any building in which an election is being held, or within one hundred feet thereof, nor obstruct the doors or entries thereto, or prevent free ingress to and egress from said building. Any election officer, sheriff, constable, or other peace officer shall have power to and shall clear the passageway and prevent such obstruction, and arrest any person creating such obstruction.

No person shall remove any ballot from the polling place before the closing of the polls; nor shall any person solicit the elector to show his ballot; nor shall any person except a judge of election receive from any elector a ballot prepared for voting; nor shall any person other than such inspector or judges of election deliver a ballot to such elector. Whoever violates any provision of this

section shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one hundred dollars, and adjudged to pay the costs of prosecution.

29.51.030 Electioneering by election officers forbidden—Penalty. Any election officer who does any electioneering on primary or election day, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one hundred dollars and pay the costs of prosecution.

29.51.040 Preservation of order. For the preservation of order, a precinct election board may enforce a fine not exceeding ten dollars on any person who conducts himself in a disorderly manner at the polls and persists therein after being warned of the consequences.

Upon his refusal to pay, the board may commit him to the county jail for any time not exceeding twenty-four hours or until the fine is paid.

All constables, sheriffs and other peace officers shall execute the order of the board, and if none is present at the time, the board may appoint special constables to execute the order.

29.51.050 Request and delivery of ballot to voter. A voter desiring to vote shall give his name to one of the election officers, who shall then in an audible tone announce it. A challenge may then be interposed. If no challenge is interposed or if it is overruled, the voter shall be given a ballot or permitted to enter a voting machine booth as the case may be. If a ballot is given the number thereof must be called to the clerks of election.

29.51.060 Signing the poll book—Comparison of signature. If any person appears and offers or demands the right, to vote at any primary or election, as a registered voter in the precinct where the primary or election is held, the election officers shall require him to sign his name in one of the official poll books, which shall be designated the voter's signature copy, and shall compare such signature with the signature upon the registration card of the person registered under the same name. If the election officers, or a majority of them, upon comparing the signatures are satisfied that the person offering to vote is the identical person registered, they shall permit him to vote: *Provided*, That if the person registered signed his registration card with a cross or mark, identified by the signature of some other person, the election officers must require the person offering to vote to be identified by the person who signed the registration card, or by a registered voter of the precinct. Unless the identifying witness is personally known to the election officers, or to some of them, they may require the identifying

witness to sign his name in the presence of the election officers for the purpose of identification.

29.51.070 Entry on registration card. At every primary and election whereat only registered voters may vote, as each voter casts his vote, and, where voting machines are used, before each voter enters the voting machine booth, each clerk shall insert in his list of voters, opposite the voter's name, the letter "V" and the number of his vote or ballot and the inspector or one of the judges shall enter on the voter's registration card, in the space provided for that purpose, the month, day and year of the primary or election (for example 11/4/30), which entry may be with pen and ink or by a stamp provided for that purpose.

29.51.080 Transcribing name on poll book when registration not a prerequisite. At primaries or elections where registration is not a prerequisite the clerks of election shall transcribe the names of the voters in the poll books and enter against each name the number of the ballot delivered to that voter.

29.51.090 Marking ballot at primaries. At primaries, the voter, upon receiving his ballot, without leaving the polling place shall enter a compartment alone and there designate his choice on his ballot by making a cross in each of the small squares nearest the names of the candidates for whom he desires to vote and shall not vote for more candidates for an office than there are positions to be filled by the election following the primary as indicated on the ballot "vote for one" (or whatever number may be indicated). Having marked his ballot, he shall fold it so that the number appears upon the outside and its face is concealed and deliver it to the inspector of election.

29.51.100 Marking ballot at final election. On receipt of his ballot in an election the elector shall forthwith and without leaving the polling place retire alone to one of the places, booths, or apartments provided to prepare his ballot. Each elector shall prepare his ballot by marking a cross "X" after the name of every person or candidate for whom he wishes to vote.

In case of a ballot containing a constitutional amendment or other question to be submitted to the vote of the people the voter shall mark a cross "X" after the question, for or against the amendment or proposition, as the case may be. Any elector may write in the blank spaces, or paste over any other name, the name of any person for whom he may wish to vote. Before leaving the booth or compartment the elector shall fold his ballot in such manner that the number of the ballot shall appear on the outside thereof, without displaying the marks on the face thereof, and deliver it to the inspector of election.

29.51.110 Redelivery of ballot after voting. Upon delivery of each ballot after being marked and folded by a voter, the inspector in an audible tone shall repeat the name of the voter and the number of the ballot. The election clerks having in charge the registration cards and poll books, or either, if they find that the number marked opposite the voter's name thereon corresponds with the number of the ballot handed to the inspector, shall mark the word "voted" opposite the name of such voter and one of the clerks shall call back in an audible tone the name of the voter and the number of his ballot. The inspector shall then separate the slip containing the number of the ballot from the ballot and shall deposit the ballot in the ballot box. The numbers removed from the ballots shall be destroyed immediately.

29.51.120 Record of voters having voted. The name of each voter whose ballot has been marked, folded and delivered to the inspector shall be immediately entered by each clerk in the column of his poll list headed "Names of voters," numbering each name in the additional column as it is taken down, so that it may be seen at any time whether the two lists agree.

29.51.125 Determination of who has and who has not voted. Each major political party, at any general election, may assign any one of its precinct election officers at each polling place to check a list of registered voters of the precinct so that they may determine who has and who has not voted: *Provided*, That such lists shall be furnished by the major political parties concerned.

29.51.130 Voting machine—Help in use. If voting machines are being used, the election officers shall inform the voter as clearly as possible how to operate the machine and illustrate its use upon the model, calling his attention to the diagram. If after entering the booth, any voter asks for information regarding its operation, the election officers must give him the necessary information.

29.51.140 Voting machine—When all voters do not vote on all offices. Whenever a voter enters the booth who has the right to vote only on certain offices and measures, an election officer shall adjust the machine so that he can vote on such offices and measures and no others.

29.51.150 Voting machine—Periodic examination. The election officers shall occasionally examine the face of the machine and the ballot labels to determine whether they have been injured or tampered with.

29.51.160 Voting machine—Out of order. If a voting machine installed in an election precinct becomes inoperative in any par-

ticular, the inspector or a judge shall give immediate notice to the custodian who must repair the machine or substitute another machine. If a substituted machine is used, the records of that and the machine for which it was substituted must be added in ascertaining the results of the primary or election.

If the defective machine cannot be repaired or no effective machine can be substituted immediately a ballot box must be furnished and the officers of election shall use diagrams of the machine if available or the regular printed ballots furnished precincts where machines are not used and count them with the votes registered on the voting machine and the result declared as though a voting machine had been used throughout the primary or election. Any marking of the diagrams or ballots by the voters which clearly indicates their intention shall be sufficient. The diagrams or ballots thus voted must be preserved and returned to the county election officer with a certificate setting forth how and why the same came to be voted.

29.51.170 Using stickers. At any election or primary, any voter may write in on the ballot or paste thereto 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 person who is nominated at any primary election as a candidate for any public office but who has not previously paid the regular filing fee shall have his name printed on the official ballot for the general election unless, within ten days after the official canvass of the primary vote, he pays the same fee required by law to be paid by candidates for filing a declaration of candidacy for the office for which he has been nominated.

29.51.180 Taking papers into compartment or booth. Any voter may take with him into the polling place any printed or written memorandum or paper to assist him in marking or preparing his ballot.

29.51.190 Vote only once—Spoiled ballots. No voter shall be permitted to enter a voting machine booth or move the operating lever more than once; or, if ballots are used, no ballots shall be cast other than those printed by the respective county auditors or other authorized election officials as provided by law, and no voter shall be entitled to vote more than one ballot: *Provided*, That if a voter spoils a ballot, he shall return it and get a new ballot; the election officers shall immediately destroy the spoiled ballots returned.

29.51.200 Physically disabled voters. The operation of voting shall be secret except to the extent necessary to assist physically disabled voters.

If any voter declares in the presence of the election officers that by reason of physical disability, he is unable to register or record his vote upon the machine, two election officers who must be of opposite political parties in case of partisan elections or primaries, shall enter the voting machine booth with him and register his vote for such candidates and for or against such measures as he may designate.

29.51.210 Blind voters. A blind person or one with such defective vision that he cannot see to mark his ballot and who is otherwise qualified to vote may designate his spouse or any near relative, who can see and is also a registered voter to mark his ballot: *Provided*, That the foregoing shall not prevent any such person from designating election officers for that purpose, as now provided by law, but no election officer shall prevent such person from exercising his choice as heretofore set forth.

29.51.215 ————Penalty. Any person violating any provision of RCW 29.51.210 shall be punished as for a misdemeanor.

29.51.220 Time allowed each voter to vote. No voter shall remain within a voting machine booth longer than two minutes unless there are no other voters waiting to vote, nor in a compartment arranged for voting by ballot longer than five minutes unless there are no other voters waiting to vote. If he refuses to leave at the end of his allotted time, the precinct election officers may remove him by force.

29.51.230 Voters' "don'ts" and penalty. It shall be unlawful for a voter to:

(1) Show his ballot after it is marked to any person in such a way as to reveal the contents thereof or the name of any candidate for whom he has marked his vote;

(2) Receive a ballot from any person other than the election officer having charge of the ballots;

(3) Vote or offer to vote any ballot except one that he has received from the election officer having charge of the ballots;

(4) Place any mark upon his ballot by which it may afterward be identified as the one voted by him;

(5) Fail to return to the election officers any ballot he received from an election officer.

A violation of any provision of this section shall be a misdemeanor, punishable by a fine not exceeding one hundred dollars, plus costs of prosecution.

29.51.240 No adjournment until polls close. No adjournment or intermission whatever shall take place until the polls are closed and until all the votes cast at the polls have been counted and the result publicly announced.

29.51.250 Closing the polls. If at the hour of closing, there are any voters in the polling place who have not voted, the polls must be kept open after the hour for closing to enable them to do so, but this shall not include any voter who was not present at the exact time of closing.

29.51.260 Proclamation of closing. When the polls are closed, proclamation thereof shall be made at the place of voting and no votes shall be afterwards received.

Chapter 29.54

POLLING PLACE REGULATIONS DURING VOTING HOURS AND AFTER CLOSING

29.54.010 Destroying surplus ballots. The inspector and judges of election for each election precinct immediately upon the closing of the polls, and before the ballots are counted, shall destroy all unused ballots furnished for use at such precinct.

29.54.020 Removing ballots from box—Stringing. As soon as the polls are finally closed, the inspector and judges of election shall immediately open the ballot boxes at their polling place and proceed to take therefrom the ballots. Said officers shall count the number of ballots cast and shall then string them together. As soon as the inspector and judges have fastened together the ballots they shall take the tally sheets provided by the election officer, and shall count all the ballots until the count is completed. The tally sheets shall be so kept that the sheets shall show the number of votes received, the total votes cast for each candidate, and the total of all ballots cast.

29.54.030 Counting to be private—Party observers. The counting of ballots while the polls are open shall in all cases be conducted in private except that any recognized political party may appoint a duly accredited representative to witness the counting of ballots: *Provided*, That such representatives shall first sign an oath of secrecy and shall not leave the polling place during the polling hours. The ballots shall be examined carefully, one by one, by the inspector under the observation of one of the judges. The inspector shall read aloud the name of each person receiving a vote, the office for which every such person is voted for and the

vote for or against each proposition on the ballot. The other judge shall observe the tally of the votes as made by the clerks. One clerk shall tally the votes in the county auditor's copy of the poll book and the other clerk shall tally the votes in the inspector's copy of the poll book. Upon agreement, the inspector and two judges may rotate their duties from time to time.

29.54.035 Divulging ballot count—Penalty. No election officer or any other person authorized by law to be present while votes are being counted, shall divulge the result of the count of the ballots at any time prior to the closing of the polls. Violation of this section is punishable, upon conviction, by a fine of not less than one hundred dollars nor more than five hundred dollars or imprisonment in the county jail not less than three nor more than six months, or by both such fine and imprisonment.

29.54.040 Count continuous—Clerks to keep tally. Each clerk shall write down each office to be filled, and the name of each person voted for such office, and shall keep the number of votes by tally, as they are read aloud by the inspector or judge. The ballot box shall not be removed from the polls nor shall the counting of the votes be discontinued until all are counted.

29.54.045 Procedure when two sets of inspectors and judges appointed. When two sets of inspectors and judges have been appointed as provided in RCW 29.45.050 the following procedure shall apply:

(1) The set designated as the counting board shall commence tabulation at 4:00 p.m. of the day of any state primary or general election: *Provided*, That on the day of a presidential state general election the starting hour shall be 2:00 p. m.

(2) A second ballot box for receiving ballots shall be used, and the first ballot box shall be closed and delivered to the counting board: *Provided*, That there have been at least ten ballots cast. The counting board shall proceed to the place provided for them and at once count the votes. When counted they shall return the emptied ballot box to the inspector and judges conducting the election and the latter shall then deliver to the counting board the second ballot box, if there have been at least ten ballots cast, who shall then proceed as before. The counting of ballots and exchange of ballot boxes shall continue until the polls are closed after which the election board conducting the election shall conclude their duties and the counting board shall continue until all ballots are counted.

(3) The election board conducting the election shall perform all of the duties as now provided by law except for the counting of the ballots, the posting and certification of the unofficial returns

and the delivery of the official returns, together with the election supplies to the county auditor.

(4) Suitable oaths of office for all precinct election officials, when two sets of officials are employed, shall be prepared by the secretary of state as ex officio chief election officer.

(5) Other than as provided in this section, RCW 29.45.050, 29.45-.060, 29.54.030 and 29.54.035, the procedure relating to elections shall remain the same.

29.54.050 Rejection of ballots or parts of ballots. Ballots must be rejected if:

- (1) Two are found folded together;
- (2) Marked so as to identify who the voter is;
- (3) Printed other than by the respective county auditors or other authorized election officials as provided by law.

Those parts of ballots must not be counted which:

- (1) Designate more persons for an office than are to be elected to that office;
- (2) Are not marked with sufficient definiteness to determine the voter's choice or intention: *Provided*, That no ballot or part thereof shall be rejected for want of form or mistake in initials of names if the election board can determine to their satisfaction the person voted for and the office intended.

29.54.060 Questions on Legality of ballots—Preservation and return of all ballots. Whenever a question arises in the precinct election board as to the legality of a ballot or any part thereof, its action thereon together with a concise statement of the facts that gave rise to the objection must be indorsed upon the ballot and signed by a majority of the board. All ballots must be preserved whether rejected or counted in whole or in part and returned in the same manner as other ballots.

29.54.070 Sealing and return of counted ballots. After all the ballots have been counted, strung, and tallied it shall be the duty of the inspector to place them in a sealed envelope and write thereon, "Ballots of precinct, county, state of Washington, of election held this day of, 19", and send said sealed envelope to the auditor of the county or other election official. The county auditor or other officer shall keep the sealed envelope containing said ballots unopened for the period of six months, to be used only as evidence in case or cases of contest when called for. At the end of that time he shall burn or make such disposition of said ballots, as he may deem expedient, in the presence of two other officers.

29.54.080 Certification of result and of returns. As soon as all the ballots have been counted two sets of the following papers shall be assembled:

- (1) One poll list;
- (2) One tally book or set of tally sheets, or one statement of canvass where voting machines are used;
- (3) One each of the duplicate oaths of the inspector, the judges and the clerks.

To each set of papers shall be attached a certificate signed by the inspector, the judges and the clerks designating, in the order in which they appear upon the sample ballots, each candidate, the number of votes he received, and the office for which he is a candidate. The number of votes in each case must be written in words and figures (for example five thousand four hundred and fifty-two—(5452)).

One set shall constitute the “returns” to be made to the canvassing board or official; the other set shall be retained by the inspector and preserved by him for at least six months.

29.54.090 Voting machine count—Method. At any election or primary where machines are used, as soon as the last voter has voted, the election officers shall lock and seal the machine, unlock and open the doors of the counter compartment, and canvass the votes registered on the counters therein and the votes recorded on or in the device or devices for voting for persons not nominated, and shall make two statements of canvass thereof in the following manner:

(1) One election officer shall call the designating number and letter of each candidate’s counter in the order given on the statement of canvass, and another election officer shall repeat such number and letter as it is read, and announce the vote registered on such counter, which shall thereupon be entered in ink on each of the statements of canvass;

(2) The canvass of each office shall be completed before proceeding to the next;

(3) The vote on each question shall be canvassed in the same manner;

(4) The votes cast on the irregular ballots and paper ballots shall then be canvassed;

(5) All votes for persons or questions, the names or propositions of which appear on the ballot labels, must be cast on the proper counters therefor. All votes for persons or questions, whose names or propositions do not appear upon the ballot labels must be cast in the proper places or in the device for irregular ballots. Any votes not so cast shall not be counted, except in case of the use of paper ballots;

(6) In precincts where voting machines equipped with printed election returns mechanism are used, the original and duplicate originals of the printed returns sheet of the votes cast for questions and for candidates regularly nominated, or who have duly filed, together with the tabulation and inclusion of any votes written in on the paper roll for those not regularly nominated, or who have not filed, shall constitute the "election returns" and "statement of canvass" from each such precinct when properly certified by the board of election officials.

During the canvassing said printed return sheets shall be available for public inspection and opportunity shall be given any person lawfully present to examine the return sheets to ascertain the record of votes cast.

29.54.100 Voting machine count—Verification and certification. After completing and writing down the canvass of the votes cast, the election officers shall verify it by comparing the figures on the statement of canvass with the figures on the counters in the machine and the names recorded on a device for voting for persons not nominated. They shall then certify, in the appropriate place on each of the statements of canvass:

- (1) The number of voters that voted at the election as shown by the poll-list and by the number registered on the public counter;
- (2) The number registered on the protective counter; and
- (3) The number or other designating marks on the seal with which the machine has been sealed.

29.54.110 Voting machine count—Public announcement. After completing and certifying to the statements of canvass, the inspector or a judge shall read therefrom in a distinct voice the name of each candidate, the designating number and letter of his counter as stated thereon, and the vote entered for each; also the vote for or against each question. One copy thereof shall then be placed in an envelope and sealed to become part of the returns. During the canvassing and announcing of the vote, the counter compartment shall remain open, and opportunity shall be given any person lawfully present to examine the counters to determine the correctness of the vote as announced: *Provided*, That where voting machines equipped with printed election returns mechanism are used, during the canvassing the printed returns sheets shall be available for public inspection and opportunity shall be given any person lawfully present to examine the returns sheets to ascertain the record of votes cast.

29.54.120 Voting machine count—Closing machines—Delivery of key. The counter compartment shall then be locked and all keys of the machine shall be delivered in a sealed envelope to the county auditor or other election officer.

29.54.130 Transmittal of returns—Penalty. The returns from each election precinct shall be transmitted to the county auditor or other election officer either by registered mail or in person by one of the judges or the inspector.

Failure to transmit the returns is a misdemeanor punishable by a fine of not less than five dollars nor more than fifteen dollars.

29.54.140 Duplicate copies of unofficial results—Posting—Transmittal. Following every primary and election, before adjourning, every precinct election board shall enter the unofficial results in duplicate upon sample ballots furnished for that purpose by the county auditor or other election officer. One copy shall be posted conspicuously on the outside of the polling place and the other transmitted to the county election officer.

Chapter 29.59

CHALLENGING

29.59.010 Right to challenge registered voter. Registration of a person as a voter shall be presumptive evidence of his right to vote at any primary or election, general or special, but any person's right to vote may be challenged at the polls and he may be required then and there to establish his right to vote: *Provided, however,* That challenges on grounds of residence alone, shall be offered at the office of the appropriate registration officer in the manner as provided in RCW 29.59.070.

29.59.020 Party challengers. Each of the recognized political parties may have one challenger at the polls of each voting precinct.

29.59.030 Who may challenge—Legal voter—Officials. Any person offering to vote may be challenged as unqualified by the inspector or either of the judges, or by any legal voter, and it shall in all cases be the duty of the inspector and each of the judges to challenge any person offering to vote whom they know or suspect to be not qualified as a voter.

29.59.040 Procedure upon challenge—Canvass of challenged vote. Whenever the right to vote of any person presenting himself as a voter at any polling place for any primary or election, general or special, has been challenged and the officers conducting the election at such polling place have refused to accept the vote of such person because of such challenge, or otherwise, a ballot shall be voted by such challenged person and placed in a sealed envelope. The sealed ballots of challenged voters shall be transmitted at the close of the election to the canvassing board or other authority charged by law with canvassing the returns of the particular elec-

tion. The board or such other authority shall upon request of the challenger, at the time the vote is canvassed, consider the case of each challenge and shall decide whether or not the ballot in each case shall be accepted or rejected: *Provided*, That should the challenger fail to make such request, the challenged ballot shall be accepted as valid and counted. The decision of the board or such other authority shall be final.

In precincts where voting machines are used, any person whose right to vote is properly challenged shall be furnished with a paper ballot, and such ballot, after said person has marked it, shall be sealed and disposed of as hereinabove provided.

29.59.050 Grounds for refusal. The right to vote shall be refused to any person whose right to vote has been challenged if:

(1) He refuses to take the oath to answer truly as to his qualifications as a voter;

(2) He fails to answer any and all pertinent questions relating to his qualifications;

(3) A majority of the precinct election board is satisfied that he is not a legal voter.

29.59.060 Infamous crime—Ground for challenge—Procedure. If the vote of any person is challenged, on the ground that he has been convicted of an infamous crime, by a court of competent jurisdiction and remains unpardoned or disfranchised he shall not be required to answer any questions respecting such alleged conviction. In the absence of any authenticated record of such fact, it may be competent for two disinterested witnesses, upon oath, to prove it.

29.59.070 Challenge for lack of residence—Procedure. Any voter may challenge the registration of any other voter on the grounds that the challenged voter does not physically reside and maintain an abode at the address as given on his permanent registration record. Such challenge shall be made in writing and shall be filed with the appropriate registration officer not later than sixty days prior to any primary or election, general or special. The registration officer shall by certified mail immediately notify the voter concerned that a challenge has been made.

Upon receipt of such notice, the challenged voter, should the allegation be correct, shall either transfer his registration or register anew, as the case may be, within thirty days. Should the challenged voter fail to register anew or transfer his registration or fail to respond to such notice within the prescribed thirty days, the registration officer shall cancel the registration record and so notify the voter concerned.

Should the challenged voter deny the allegation, he shall so notify in writing the registration officer who shall immediately notify the challenger and the challenged voter to appear at a meeting to be held in the registration office at a day and hour certain to be stated in the notice: *Provided*, That should the challenged voter be unable to appear in person he may file a reply by means of an affidavit stating therein under oath the reasons he believes his registration to be valid and should the challenger be unable to appear in person he may file a statement by means of affidavit stating therein under oath the reasons he believes the registration to be invalid.

The hearing shall take place at the time and place designated by the registration officer. In the event both the challenger and the challenged voter file affidavits instead of appearing in person, an evaluation of such affidavits by the registration officer shall constitute a hearing for the purposes of this section.

At the meeting to be held by the registration officer, he shall hear both parties according to the facts presented and his ruling shall be final, unless ordered otherwise by a court of competent jurisdiction. If the challenger fails to appear at the meeting or fails to file an affidavit, the registration in question shall remain in full effect. If the challenged voter fails to appear at the meeting or fails to file an affidavit, then the registration shall be canceled and the voter so notified: *Provided, however*, That only the voter who transfers his registration or registers on or after the fifty-ninth day prior to any primary or election, shall be subject to challenge on the grounds of residence alone at the polling place.

Chapter 29.62

CANVASSING THE RETURNS

29.62.010 Manner of canvassing election returns—Generally. Every official body or officer upon whom is imposed the duty of canvassing the returns of any primary or election shall:

(1) Prepare and certify a statement separately setting forth for each office the returns as to which it or he is required by law to canvass, and the vote each candidate received therefor;

(2) If required to canvass returns from a primary, prepare and certify a statement separately setting forth each office the returns as to which it or he is required by law to canvass, and the member of each political party participating therein who received the highest number of votes for each office: *Provided*, That if there is more than one position to be filled for the same office the number of candidates of each political party participating therein equaling the number

of positions to be filled who received the highest number of votes shall be listed as the nominees;

(3) If, at a partisan primary, two or more candidates of the same party are tied for the same office, determine the tie then and there by lot;

(4) If, at a nonpartisan or judicial primary, two or more candidates have received an equal number of votes and such number is barely sufficient for nomination, but as a consequence, the number of persons so nominated exceeds twice the number of positions to be filled, determine the tie then and there by lot so as to reduce the field of candidates to the proper number.

(5) After each election, prepare and certify a statement separately setting forth each office the returns as to which it or he is required by law to canvass, and the person who received the highest number of votes for each office: *Provided*, That if there is more than one position to be filled for the same office, the number of persons equaling the number of positions to be filled who receive the highest number of votes shall be listed as having been elected.

29.62.020 County canvassing board—Meeting to canvass returns.

On the tenth day after each election or primary or as soon as he has received the returns from all the precincts included therein, the county auditor shall call a meeting of the county canvassing board at his office on a day and hour certain, for the purpose of canvassing the votes cast therein. The canvassing board shall consist of the county auditor, the chairman of the board of county commissioners and the prosecuting attorney.

29.62.030 Special canvass for county auditor. If the primary or election is one at which the county auditor is to be nominated or elected, canvass of the returns for that office shall be made by the other two members of the board; if the two disagree, the returns for that office shall be canvassed by the presiding judge of the superior court of the county.

29.62.040 County canvassing board—Canvassing procedure—Penalty. The county canvassing board at any meeting for canvassing the returns of a primary or election shall proceed as follows:

(1) The chairman of the board of county commissioners shall administer the following oath to the county auditor:

“I do solemnly swear that the primary (or election) returns of the several precincts included in the primary (or election) last held in (here name the county or any other governmental unit not larger than a county if the election was held for it) have been in no wise altered by additions or erasures and that they are the same as when they were deposited in my office,

so help me God." This oath, the signature and certificate must be in writing and filed with the papers pertaining to the election;

(2) The county auditor with the assistance of the other members of the canvassing board shall proceed to count the vote of the precincts, precinct by precinct;

(3) Neither the tally books and sheets, the poll lists nor the certificate returned for any primary or election from any precinct shall be rejected for want of form or substance if it can be satisfactorily understood;

(4) File a certificate of their canvass signed by all the members with the county auditor;

(5) If there is a vacancy in the county canvassing board, the remaining members of the board shall choose one of the other county officers to act during the canvass;

(6) Failure to return the total votes counted, if they can be ascertained with reasonable certainty shall be a misdemeanor.

29.62.050 Recanvass of machine votes—Authorized—Procedure.

Whenever the board authorized to canvass the returns finds, in its discretion, that there is an apparent discrepancy or an inconsistency in the primary or election returns such board may order that recanvass of the voting machines be made of all, or of any number less than all, of the precincts of the county, and said recanvass may, in the discretion of said board, be made as to all, or as to any number less than all, of the candidates or measures voted upon. In conducting such recanvass said board, or any duly authorized representative or employee of the board, may open the counter compartment of any voting machine without unlocking the machine against voting and recheck the vote cast thereon. If in the course of such recanvass the board determines that there is an error in the return of any precinct said board shall summon the inspector and judges of the precinct and the inspector and judges shall correct such error by making notation thereof in the poll book and shall initial such notation: *Provided*, That in the event that the election officials do not appear, or fail or refuse to make the correction as indicated, the canvassing board shall correct such error in the poll book and initial such correction.

29.62.060 Recanvass of machine votes—Notice—Representation

—**Relocking.** Before recanvassing the votes cast on a voting machine, the canvassing board or officer shall give notice in writing to the custodian and to each political party participating in the primary or that nominated candidates for the election, of the time and place where the canvass is to be made, and may invite representatives of organizations or other persons involved or interested in any candidate or measure voted upon to be present at the time any such

recanvass or recount be made. Each political party may send two representatives to be present at the recanvass. After the recanvass shall have been made the voting machines shall be immediately reclosed and the counter compartments relocked.

29.62.070 Recanvass of machine vote—Procedure to test counting mechanism—Statement. If upon such recanvass, it should be found that the original canvass of the returns has been correctly made from the machine, and that the discrepancy still remains unaccounted for, the canvassing board, with the assistance of the custodian shall in the presence of such said inspector and judges of election and the authorized representatives of the several political parties or organizations who are attendant, make a record of the number or other designating mark on the seal, and the number on the protective counter and unlock the voting and counting mechanism of said machine and proceed to thoroughly examine and test the machine to determine and reveal the true cause or causes, if any, of the discrepancy in the returns from said machine. Before being tested the counter shall be set at "000," after which each counter shall be operated at least one hundred times. After the completion of said examination and test, the custodian shall then and there prepare a statement in writing giving in detail the result thereof and said statement shall be witnessed by the persons present and shall be filed with the county auditor or other election officer.

29.62.080 Tie votes in final election. If the requisite number of any federal, state, county, city, district, or precinct officers shall not be elected by reason of two or more persons having an equal and highest number of votes for one and the same office, the official empowered by state law to issue the original certificate of election shall give notice to the several persons so having the highest and equal number of votes to attend at the appropriate office at the time to be appointed by said official, who shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be declared duly elected, and the said official shall make out and deliver to the person thus duly declared elected a certificate of his election as hereinbefore provided.

29.62.090 Abstract of votes by auditor—Transmittal to secretary of state. Immediately after the results of an election or primary in his county are ascertained the county auditor shall make an abstract of all the votes cast in his county at such election for county officers, state officers, national officers and officers elected by districts, on blanks furnished by the secretary of state, and transmit to the secretary of state by registered mail a certified copy thereof.

29.62.100 State canvassing board—Primary returns—State offices, etc. The state canvassing board shall consist of the secretary

of state, the state treasurer and the state auditor. It shall canvass the returns of all primary elections as to candidates for state offices, United States senators and representatives in congress and all other candidates whose district extends beyond the limits of a single county.

29.62.110 State canvassing board—Meeting—Certificate. The state canvassing board shall meet at the office of the secretary of state as soon as possible but in any event not later than the third Tuesday next succeeding a primary election the returns of which they are required by law to canvass, and proceed to canvass the returns.

They shall file the certificate of their canvass signed by all members with the secretary of state who shall immediately publish a copy thereof in a legal newspaper published at the state capital.

29.62.120 Secretary of state to canvass final returns—Scope. As soon as the returns have been received from all the counties of the state, but not later than the thirtieth day after the election, the secretary of state shall make a canvass of such of the returns as are not required to be canvassed by the legislature and make out a statement thereof, file it in his office and transmit a certified copy thereof to the governor.

29.62.130 Canvass of vote on statewide measures. The votes on proposed amendments to the state Constitution, recommendations for the calling of constitutional conventions and other questions submitted to the people shall be counted, canvassed and returned by the regular precinct election officers and by the county auditors and canvassing boards in the manner provided by law for counting, canvassing and returning votes for candidates for state offices. It shall be the duty of the secretary of state in the presence of the governor, within thirty days after any such election, to canvass the votes upon each question and certify to the governor the result thereof, and the governor shall forthwith issue his proclamation giving the whole number of votes cast in the state for and against such measure and declaring the result: *Provided*, That if the vote cast upon an initiative or referendum measure is equal to less than one-third of the total vote cast at the election, the governor shall proclaim the measure to have failed for that reason.

29.62.140 Canvass in commission form cities. In cities operating under the commission form of government the election officers, after counting the ballots, shall make their returns to the county auditor upon forms furnished by him within six hours after the closing of the polls; and at such time as provided by RCW 29.62.020, the county canvassing board shall canvass the returns of the primary

or election, and the county auditor, upon receipt of the certificate of canvass shall make and publish in all newspapers of the city, at least once, the result thereof. The canvass shall be publicly made. In the primary, the two candidates receiving the highest number of votes for each of the offices to be filled shall be declared nominated and their names shall be placed as candidates on the general election ballot.

29.62.150 Return of registration files after canvass. All officers charged by law with the duty of canvassing the returns of primaries or elections, upon the completion of the canvass of any primary or election shall transmit to the registration officer of each county, city and town, respectively, the registration records used at the primary or election and by law required to be returned by the precinct election officers to the officials charged with the duty of canvassing the primary or election returns.

Chapter 29.64

STATUTORY RECOUNT PROCEEDINGS

29.64.010 Application for recount—Scope of chapter. An officer of a political party or any person for whom votes were cast in a primary election for nomination as a candidate for election to an office who was not declared nominated may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at such primary in any precinct for all persons for whom votes were cast in such precinct for such nomination.

An officer of a political party or any person who was a candidate at any general election for election to an office or position who was not declared elected, may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at such election in any precinct in such county for all candidates for election to such office or position.

Any group of five or more registered voters may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at any election, regular or special, in any precinct upon any question or issue, provided that the members of such group shall state in such application that they voted on such question or proposition. Such group of electors shall, in such application, designate one of the members of the group as chairman, and shall indicate therein the voting residence of each member of such group. In the event the recount requested concerns a regular or special district election whereat the precincts were combined and the election results of the individual precincts impossible to deter-

mine, the application for the recount shall embrace all ballots cast at such district election.

All applications for recount shall be filed within three days, excluding Saturdays and Sundays, after the canvassing board has declared the official results of the primary or election, as the case may be.

The provisions of this chapter shall apply to the recounting of votes cast by paper ballots and counted at the polling places and to the recheck of votes recorded on voting machines. The provisions of this chapter shall neither apply to votes cast by absentee ballot and counted by the canvassing authority, nor to votes cast on voting machines printing election returns: *Provided*, That this chapter shall apply to votes cast by absentee and counted by the canvassing authority if specific request for such recount is made at the time the application is filed and the additional deposit is made as provided in RCW 29.64.020.

29.64.015 Mandatory recount when margin not more than one-half of one percent. If the official canvass of the returns of any primary or election reveals that the difference in the number of votes cast for a candidate apparently nominated or elected to office, as the case may be, and the number of votes cast for his closest apparently defeated opponent is not more than one-half of one percent of the total number of votes cast for both candidates, the canvassing board shall, of its own motion, make a recount of all votes cast on such position in the manner provided by RCW 29.64.030 and 29.64.040, and no cost of such recount shall be charged to either candidate concerned.

29.64.020 Deposit of fees—Notice of time and place of recount—Attendance. Each application for recount shall separately list each precinct as to which a recount of the votes therein is requested, and the person filing an application shall at the same time deposit with the canvassing board the sum of five dollars in cash or by certified check for each precinct so listed in such application as security for the payment of charges for the making of the recount therein applied for, which charges shall be fixed by the canvassing board as provided in RCW 29.64.060. In the event the application for a recount applies to a special or regular district election then the deposit to be made with the canvassing board shall be five dollars in cash or by certified check for each precinct completely or partially within said district. If at said special or regular district election paper ballots were used and the precincts were combined and the election results of the individual precincts impossible to determine, then the deposit shall be a sum of money equal to the total number of ballots cast at such district election multiplied by

the factor of two cents; and if a specific request is made for the recount of absentee ballots, then an additional deposit shall be made in a sum of money equal to the total number of such absentee ballots to be counted multiplied by the factor of two cents.

If at said special or regular district election voting machines were used and the precincts were combined and the election results of the individual precincts impossible to determine, then the deposit shall be five dollars for each voting machine used.

Upon the filing of an application, the canvassing board shall promptly fix the time when and the place at which the recount will be made, which time shall be not later than five days after the day upon which such application is filed. The clerk of the board shall mail notice of the time and place so fixed to the applicant. If the application requests a recount of votes cast for a nomination or a candidacy for election, the clerk shall also mail such notice to each person for whom votes were cast for such nomination or election. Such notice shall be mailed by registered mail not later than two days before the date fixed for the commencement of the recount. Each person entitled to receive such notice may attend and witness the recount and may be accompanied by counsel.

In the case of a recount of votes cast upon a question or proposition, a second group of five or more registered voters, who voted upon such question or proposition other than those voters requesting the recount, may file with the canvassing board a written statement to that effect, may designate therein one of their number as chairman of such group and an attorney as their legal counsel, and may request that the persons so designated be permitted to attend and witness the recount. Thereupon the persons so designated may attend and witness the recount.

29.64.030 Recounting the ballots—Request to stop. At the time and place fixed for making a recount of paper ballots, the canvassing board or their duly authorized representatives, in the presence of all witnesses who may be in attendance, shall open the sealed containers containing the ballots to be recounted, and shall recount them. Ballots shall be handled only by the members of the canvassing board, their duly authorized representatives or by the clerk or other employees of the board. Witnesses shall be permitted to see the ballots but they shall not be permitted to touch them, and the canvassing board shall not permit the counting or tabulation of votes shown on the ballots for any nomination, or for election to any office or position, or upon any question or proposition, other than the votes shown on such ballots for the nomination, election, or question or proposition concerning which a recount of ballots was applied for.

At the time and place fixed for making a recheck of the votes cast on voting machines the canvassing board or their duly authorized representatives in the presence of all witnesses who may be in attendance, shall open the voting machines to be rechecked, and shall recheck them. Witnesses shall be permitted to watch the recheck of the voting machines, and the canvassing board shall not permit the rechecking of votes for any nomination, or for election to any office or position, or upon any question or proposition, other than the votes shown on such voting machines for the nomination, election, or question or proposition concerning which a recount of voting machines was applied for.

At any time before the ballots from all of the precincts listed in the application for the recount have been recounted, the applicant may file with the board a written request to stop the recount and not recount the ballots from the precincts so listed and which have not been recounted prior to the time of such request: *Provided*, That this provision shall not apply to a recount when a recount is being made of any regular or special district election whereat the precincts were consolidated and as a result thereof the application for a recount embraced all ballots cast at such election.

If, upon such request, the board finds that the results of the votes in the precincts recounted, if substituted for the results of the votes in such precincts as shown in the abstract of the votes in such precincts, would not cause the applicant, if a person for whom votes were cast for nomination or election, to be declared nominated or elected or if an election upon a question or proposition would not cause a result contrary to the result thereof as declared prior to such recount, it shall grant such request and shall not recount the ballots of the precincts listed in the application for recount which have not been recounted prior to such time. If the board finds otherwise, it may deny such request and shall continue to recount ballots until the ballots from all of the precincts listed in the application for recount have been recounted: *Provided*, That if such request is denied it may be renewed from time to time. Upon any such renewal the board shall consider and act upon the request in the same manner as provided in this section in connection with an original request.

29.64.040 Amended abstracts and declarations. Upon completion of the recount of the ballots, or upon stopping the recount prior to such time, the canvassing board shall promptly prepare and certify an amended abstract showing the votes cast in each precinct in which the nomination, election, or question or proposition was submitted to the electors, which amended abstract shall embody the votes of the precincts, the ballots of which were recounted, as shown by such recount. Copies of such certified amended abstracts shall be mailed to such other boards or election officials as required

in the case of the original abstract which such amended abstract amends.

If the nomination, election, or question or proposition concerning which such recount was made was submitted only to the electors within a county, the board shall make an amended declaration of the result of such election in the same manner required in the making of its original declaration of the result of such election.

If the nomination, election, or question or proposition concerning which a recount was made was submitted to the electors of more than one county, the secretary of state shall canvass all amended abstracts received from the canvassing board of each county in which a recount was made, and shall make an amended declaration of the results of such election in the same manner required in the making of his original declaration of the results of such election.

29.64.050 Further recount where partial recount changes results.

If a person was declared nominated as a candidate for election to an office or elected to an office or position and if it subsequently appears by the amended declaration of the results of such election made following a recount of votes cast in such election that such person was not so nominated or elected, such person may, within three days after the date of such amended declaration of the results of such election, file an application with the appropriate canvassing board for a recount of the votes cast at such primary or election for such nomination or election in any precinct, the ballots of which have not been recounted.

If, following a recount of votes cast at an election, regular or special, upon any question or proposition, the amended declaration of the results of such election shows the result of such election to be contrary to the result thereof as declared in the original declaration of the results thereof, any group of five or more registered voters which has filed a statement with the board as provided in RCW 29.64.020 may, within three days after the date of the amended declaration, file an application with the board for a recount of the votes cast at such election upon such question or proposition in any precinct, the votes of which have not been recounted.

RCW 29.64.010, 29.64.020 and 29.64.030 are applicable to any application provided for in this section and to the recount had pursuant thereto.

29.64.060 Expenses of recount—Charges. The charges for making a recount of votes of precincts listed in an application for recount filed with the board of elections shall be fixed by the board and shall include all expenses incurred by such board because of such application other than the regular operating expenses which the board would have incurred if the application had not been filed.

The total amount of charges so fixed divided by the number of precincts listed in such application, the votes of which were recounted, shall be the charge per precinct for the recount of the votes of the precincts listed in such application, the votes of which were recounted: *Provided*, That the charges per precinct so fixed shall not be more than five dollars for each precinct concerned or in the event of a recount of a regular or special district election whereat all ballots were requested to be recounted irrespective of precincts, the maximum charge shall not exceed two cents per ballot.

Such charge shall be deducted by the board from the money deposited with the board by the applicant for the recount at the time of filing his application, and the balance of the money so deposited shall be returned to such applicant: *Provided*, That no such charges shall be deducted by the board from the money deposited for a recount of votes cast for a nomination or for an election to an office or position in any precinct, if upon the completion of a recount the applicant is declared nominated or elected, or if upon completion of a recount concerning a question or proposition, the result of such election is declared to be opposite to the original declaration of the result of such election. All moneys deposited with the board by an applicant not returned to him shall be paid by such board into the general fund of the political subdivision concerned.

29.64.070 Rules and regulations. The secretary of state, as chief election officer, shall make rules and regulations, not inconsistent with this chapter, to facilitate and clarify any procedures contained herein.

29.64.900 Short title—Construction. This chapter shall be known as the statutory recount act and shall in no way affect or supersede the election contest statutes as contained in chapter 29.65 RCW.

Chapter 29.65

CONTESTS

29.65.010 County, district, precinct officers—Registered voter may start contest—Grounds for. Any registered voter may contest the right of any person declared elected to an office to be exercised in the county, district or precinct of his residence, for any of the following causes:

- (1) For malconduct on the part of any member of any precinct election board involved therein;
- (2) Because the person whose right is being contested was not at the time he was declared elected eligible to that office;

(3) Because the person whose right is being contested was previous to the election convicted of a felony by a court of competent jurisdiction, his conviction not having been reversed nor his civil rights restored after the conviction;

(4) Because the person whose right is being contested gave a bribe or reward to a voter or to an inspector, judge or clerk of election for the purpose of procuring his election, or offered to do so;

(5) On account of illegal votes.

29.65.020 Commencement of contest—Time for—Statement. To commence an election contest, the contestant must file with the clerk of the superior court of his residence a verified written statement of contest within ten days after the person whose right is being contested has been declared elected, setting forth specifically:

(1) The name of the contestant and that he is a registered voter in the county, district or precinct, as the case may be, in which the office is to be exercised;

(2) The name of the person whose right is being contested;

(3) The office;

(4) The particular causes of the contest. No statement of contest shall be dismissed for want of form if the particular causes of contest are alleged with sufficient certainty to advise the defendant of the particular proceedings or cause for which such election is contested.

29.65.030 Time for contesting primary or elections based on voting machine count. The time for filing an election contest the result of which is in whole or in part on the canvass of votes registered on a voting machine shall expire thirty days following any state or county primary or election and eight days following any such election held by a city or other governmental unit not larger than a county.

29.65.040 Hearing date—Citation to issue—Service. Upon such statement being filed, it shall be the duty of the clerk to inform the judge of the superior court, who may give notice, and order a session of the court to be held at the usual place of holding said court, on some day to be named by him, not less than ten nor more than twenty days from the date of such notice, to hear and determine such contested election: *Provided*, That if no session be called for the purpose, such contest shall be determined at the first regular session of court after such statement is filed.

The clerk of the court shall also at the time issue a citation for the person whose right to the office is contested, to appear at the time and place specified in the notice, which citation shall be delivered to the sheriff or constable, and be served upon the party

in person; or if he cannot be found, by leaving a copy thereof at the house where he last resided.

29.65.050 Witnesses to attend—Hearing of contest—Judgment. The clerk shall issue subpoenas for witnesses in such contested election at the request of either party, which shall be served by the sheriff or constable, as other subpoenas, and the superior court shall have full power to issue attachments to compel the attendance of witnesses who shall have been duly subpoenaed to attend if they fail to do so.

The court shall meet at the time and place designated to determine such contested election by the rules of law and evidence governing the determination of questions of law and fact, so far as the same may be applicable, and may dismiss the proceedings if the statement of the cause or causes of contest is insufficient, or for want of prosecution. After hearing the proofs and allegations of the parties, the court shall pronounce judgment in the premises, either confirming or annulling and setting aside such election, according to the law and right of the case.

If in any such case it shall appear that another person than the one returned has the highest number of legal votes, said court shall declare such person duly elected.

29.65.055 Costs, how awarded. If the proceedings are dismissed for insufficiency, want of prosecution, or the election is by the court confirmed, judgment shall be rendered against the party contesting such election for costs, in favor of the party whose election was contested.

If such election is annulled and set aside, judgment for costs shall be rendered against the party whose election was contested, in favor of the party contesting the same.

29.65.060 Misconduct of board—Irregularity must be material to result. No irregularity or improper conduct in the proceedings of any election board or any member thereof shall amount to such misconduct as to annul or set aside any election unless the irregularity or improper conduct was such as to procure the person whose right to the office may be contested, to be declared duly elected although he did not receive the highest number of legal votes.

29.65.070 Misconduct of board—Number of votes affected—Enough to change result. When any election for an office exercised in and for a county is contested on account of any misconduct on the part of any election board, or any member thereof, the election shall not be annulled and set aside upon any proof thereof, unless the rejection of the vote of such precinct or precincts will change the result as to such office in the remaining vote of the county.

29.65.080 Illegal votes—Allegation of in statement of contest. When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state generally that illegal votes were cast, which, if given to the person whose election is contested in the specified precinct or precincts, will, if taken from him, reduce the number of his legal votes below the number of legal votes given to some other person for the same office.

29.65.090 Illegal votes—Testimony on premised on delivery of list of. No testimony shall be received as to any illegal votes unless the party contesting the election delivers to the opposite party, at least three days before trial, a written list of the number of illegal votes and by whom given, which he intends to prove on such trial. No testimony shall be received as to any illegal votes, except as to such as are specified in the list.

29.65.100 Illegal votes—Number of votes affected—Enough to change result. No election shall be set aside on account of illegal votes, unless it appears that an amount of illegal votes has been given to the person whose right is being contested, which, if taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.

29.65.110 Appeal to supreme court—Time—Method. Within ten days after the entry of final judgment, either party, feeling himself aggrieved by the judgment of the superior court in an election contest, may appeal therefrom to the supreme court as in other cases.

29.65.120 Nullification of election certificate—When effective. If an election is set aside by the judgment of the superior court and if no appeal is taken therefrom within ten days, the certificate issued shall be thereby rendered void.

29.65.130 Contest of nomination at primaries. Any candidate at a primary election who may desire to contest the nomination of any candidate for the same office thereat may proceed by affidavit presented to any judge of the supreme court or any judge of the superior court of the county in which any error or omission occurred. The affidavit shall be presented within five days after the completion of the canvass by the canvassing board, and not later, and the candidate whose nomination is so contested shall by the order of such judge, duly served, be required to appear and abide the orders of the court to be made therein.

Chapter 29.68**U. S. CONGRESSIONAL ELECTIONS**

29.68.005 Date precinct boundaries established. The boundaries of precincts included in the first, second, third, fourth, and fifth congressional districts shall be those established as of November 6, 1956; the boundaries of precincts included in the sixth and seventh districts shall be those established as of November 4, 1958.

29.68.007 Inclusion of precincts not specifically mentioned or included within any district. Any precinct not specifically mentioned or included within the boundaries of any congressional district of this chapter, and which is completely surrounded by territory embraced within a congressional district shall be and become a part of such congressional district; and in case any such precinct is not completely surrounded by territory embraced within a particular congressional district, the precinct shall be and become a part of the congressional district having the smallest number of electors and having territory adjoining or contiguous to such precinct in the same county in which such precinct is located.

29.68.011 First district boundaries and representation. Bainbridge Island, Seattle precincts 32-1 through 32-76, 36-1 through 36-72, 43-1 through 43-93, 44-1 through 44-36, 44-39 through 44-134, 45-1 through 45-106, and 46-1 through 46-149, and the following King county precincts: Abbey, Anita, Arethusa, Arrowhead, Avis, Balingier, Beaux Arts, Bellevue No. 1 through Bellevue No. 17, Berrest, Bircenna, Blarney, Bonnie Glen, Bothell No. 1, Bothell No. 2, Bothell No. 3, Brace, Briarcrest, Bridle Trails, Brookside, Chauncey, Clive, Clyde Hill No. 1, Clyde Hill No. 2, Corwin, Country Club, Denny Park, Donahoe, Dunne, Echo Lake, Electra, Elise, Enatai, Erford, Finn Hill, Firland, Firlock, Florence, Georgette, Glocca Mora, Gloria, Greenwood, Hamlin, Hemlock, Highland, Hillside, Houghton No. 1, Houghton No. 2, Hunts Point, Innis Arden, Interlake, Jackson, Jean, Joanne, Juanita, Kenmore, Kilkenny, Killarney, Kirkland Nos. 1 through 12, Lago Vista, Lake Forest, Linwood, Louise, Marilyn, Medina No. 1, Medina No. 2, Medina No. 3, Medina No. 4, Meydenbauer, Monte Vista, Moorlands, North City, North Creek, Northridge, O'Farrell, Paramount, Park Lane, Park View, Parkwood, Perkins, Point Wells, Polk, Redkirk, Richmond, Ridgecrest, Ronald, Rose Hill, Rowena, Rush, Rustic, Sea Breeze, Sheridan, Sherwood, Shoreline, Snoking, Taylor, Thellbo, Transvaal, Underwood, Ward, Westminster, Westover, Wilburton, Woodinville, Woodpark, Yarrow, Yokena, Zachary and Zirconia shall constitute the first congressional district and shall be entitled to one representative in the congress of the United States.

29.68.021 Second district boundaries and representation. Clallam, Island, Jefferson, San Juan, Skagit, Snohomish and Whatcom counties, and the following King county precincts shall constitute the second congressional district and shall be entitled to one representative in the congress of the United States: Avondale, Baring, Bear Creek, Berlin, Carnation, Cherry Valley, Cleveland, Cottage Lake, Duvall, Happy Valley, Hollywood, Leota, Martin Creek, Novelty, Redmond No. 1, Redmond No. 2, Skykomish, Stillwater, Tolt and Vincent.

29.68.030 Third district boundaries and representation. The counties of Grays Harbor, Mason, Thurston, Pacific, Lewis, Wahkiakum, Cowlitz, Clark and Skamania shall constitute the third congressional district and shall be entitled to one representative in the congress of the United States.

29.68.040 Fourth district boundaries and representation. The counties of Klickitat, Yakima, Benton, Kittitas, Whitman, Grant, Adams, Franklin, Walla Walla, Columbia, Garfield and Asotin shall constitute the fourth congressional district, and shall be entitled to one representative in the congress of the United States.

29.68.050 Fifth district boundaries and representation. The counties of Ferry, Stevens, Lincoln, Spokane, Chelan, Okanogan, Douglas and Pend Oreille shall constitute the fifth congressional district and shall be entitled to one representative in the congress of the United States.

29.68.062 Sixth district boundaries and representation. Pierce county and all of Kitsap county exclusive of Bainbridge Island shall constitute the sixth congressional district and shall be entitled to one representative in the congress of the United States.

29.68.066 Seventh district boundaries and representation. The following precincts shall constitute the seventh congressional district and shall be entitled to one representative in the congress of the United States:

(1) Seattle precincts 31-1 through 31-112, 33-1 through 33-90, 34-1 through 34-100, 35-1 through 35-51, 35-57 through 35-62 and 37-1 through 37-78;

(2) The following King county precincts: Alder, Ambaum, Anthony, Avon, Bangor, Beverly, Boeing, Bow Lake, Brooklyn, Burien, Burton, Cecelia, Cedarhurst, Center, Cork, Cove, Crescent, Dilworth, Dockton, Dolphin, Donegal, Down, Dublin, Dunmore, Duwamish, East Seattle, Emeline, Evansvale, Evergreen, Fern, Five Corners, Florina, Francis, Fruitland, Garrett, Glasgow, Greendale, Gregory Heights, Hayes, Hazel Valley, Heights, Helen, Hestia, Highline, Huntington, Isabella, Island, Jane, Josephine, Joyce, Juniper, Kath-

erine, Kerry, Kildare, Kilpatrick, Lake, Lakeview, Lakewood, Lilac, Lillian, Limerick, Lisabuela, Londonderry, Longford, Lynmar, McGilvra, McKinley, Madrona, Manhattan, Margaret, Marian, Marine View, Marlene, Maury, Mercer, Military Road, Monterey, Mount View, Meyers Way, Nokomis, Norma, Normandy Park No. 1 through Normandy Park No. 5, North Burien, North Hill, North Riverton, Pilgrim, Plato, Qualheim, Quartermaster, Regal, Rendini, Roanoke, Roscommon, Roseburg, St. Helens, Salmon Creek, San Juan, Seahurst, Seaview, Seneca, Seola, Shannon, Shorewood, South Park, Southern Heights, Stimson Park, Sunnybank, Sunnydale, Sunnywood, Sylvan, Sylvester, Taft, Three Tree Point, Tipperary, Ursina, Valona, Vashon, Victory, Vista, Waterford, White Center, Wicklow, Wildwood, Wilson, Woodside and Wynona;

(3) The following King county precincts: Aaron, Airport, Algona No. 1, Algona No. 2, Allen, Allentown, Angle Lake, Antrim, Arlene, Arthur, Athlone, Auburn No. 1 through Auburn No. 15, Bayview, Beaver Lake, Bellevue No. 18, Benson, Betty, Big Soos, Birch, Bishop, Black Diamond, Blueberry Lake, Boise, Boren, Bossert, Boulevard Park, Bow Vista, Bryn Mawr, Buenna, Calhoun, Campbell Hill, Carleton, Cascade, Cedar Falls, Cedar Mountain, Cedar River, Charlotte, Christopher, Coalfield, Cork, Cougar Mountain, Covington, Cumberland, Dallas, Delano, Des Moines, Dolloff, Douglas, Duncan, Dunlap, Durham, Earlington, Eastgate, East Hill, Edna, Ellinson, Elliott, Eloise, Emerald, Enumclaw No. 1, Enumclaw No. 2, Enumclaw No. 3, Enumclaw No. 4, Enumclaw No. 5, Esther, Factoria, Fall City, Farmer, Federal Way, Fenwick, Ferdinand, Fillmore, Ford, Foster, Franklin, Fuller, Galway, Gilbert, Gilman, Gorge, Greenacres, Green River, Grover, Harding, Hazelwood, Hillcrest, Hillman, Hilltop, Hobart, Honey Dew, Horizon, Inglewood, Irma, Issaquah No. 1, Issaquah No. 2, Jefferson, Jovita, Kelly, Kent No. 1 through Kent No. 8, Kennydale, Krain, Lakehaven, Lake Hills, Lakeland, Lakeridge, Lakota, Lea Hill, Lester, Liberty, Lila, Lincoln, Little Soos, McMicken, Mabel, Macadam, Madison, Marie, Martha, May Creek, May Valley, Meadowbrook, Meeker, Meridian, Midway, Mildred, Mirror Lake, Monohon, Mount Si, Muckleshoot, Nell, Newcastle, Newport, Ninety-nine, Norpac, North Bend No. 1, North Bend No. 2, O'Brien, Olga, Orchard, Orillia, Osceola, Pacific No. 1, Pacific No. 2, Palmer, Panther Lake, Patterson, Phantom Lake, Pine Lake, Pine Tree, Pipe Line, Preston, Rainier, Ramona, Ravensdale, Redondo, Renthree, Renton No. 1 through Renton No. 26, Rita, Riverton, Robin Hood, Robinswood, Roosevelt, Rowell, Russell, St. George, Salt Water, Sammamish, Sawyer, Sea Cliff, Shamrock, Shaugnessy, Showalter, Shuffleton, Skyway, Snoqualmie No. 1, Snoqualmie No. 2, Sno-Valley, Soos Creek, Springbrook, Spring Glen, Squak Mountain, Star Lake, Steelhead, Steel Lake,

Sterling, Stuck, Sunnycrest, Sunrise, Sunset, Tanner, Thomas, Thorndyke, Tiger Mountain, Tralee, Tukwila No. 1, Tukwila No. 2, Tukwila No. 3, Tyler, Valley, Val-Vue, Vivian, Vuecrest, Wabash, Wallace, Warren, Wayne, Webster, White River, Wilderness, Willow Ridge, Woodmont, Wynoche and Zenith.

29.68.070 Vacancy in senatorship—Filling. When a vacancy happens in the representation of this state in the senate of the United States the governor shall make a temporary appointment until the people fill the vacancy by election at the next ensuing general state election.

29.68.080 Vacancy in U.S. House of Representatives—Special election. Whenever there is a vacancy existing by death, resignation, disability or failure to qualify or impending vacancy in the office of representative in the congress of the United States from this state or any congressional district in this state, the governor shall order a special election to fill the vacancy. He shall fix as the date for the special election a day not less than twenty-five days after the issuance of the writ. He shall fix as the date for the primary for nominating candidates for the special election, a day not less than fifteen days after the issuance of the writ and not less than ten days before the day fixed for holding the special election.

29.68.090 ————Order calling election — Requisites — Filing period. The order shall name the district and the term or part of term for which the vacancy exists or is about to exist as well as the dates for holding the special primary and the special election to fill it, and if the date fixed for the special primary is the day for holding the regular primary, or if the day fixed for the special election is the day for holding the regular election, the order shall provide that the names of the candidates to fill the vacancy may be placed upon the regular ballots to be used thereat. No name shall be printed on the primary ballots that shall not have been filed with the secretary of state at least ten days before the special primary.

29.68.100 ————Notices of special primary and special election. Upon calling a special primary and special election to fill a vacancy or impending vacancy in the office of representative in the congress of the United States, the governor shall immediately notify each county auditor within the district in which the vacancy exists or is about to exist.

Each county auditor in the district shall publish notices of the special primary and of the special election at least once in the official county paper if there is one, otherwise in any legal newspaper pub-

lished in the county, and he shall also post notices thereof in every precinct in his county.

If the date fixed in the order for the special primary is not more than fifteen days before the date fixed for the special election, the notices for the special election may be combined with the notices for the special primary.

29.68.110 ————**Precinct election officers—Who to serve.** If either the special election for the election of a United States congressman or the special primary relating thereto is held at the same time as the corresponding regular election or primary, the same election officers shall serve at both; if held at a time other than the corresponding regular election or primary the election officers for the last corresponding election or primary shall be the election officers thereat.

29.68.120 ————**Canvass of primary—Certification of nominees.** Canvass of the votes at a special primary held in relation to a special election for a United States congressman shall be made in each county within the district within five days after the primary and the returns sent immediately to the secretary of state who shall immediately certify the names of the successful nominees to the county auditors of the counties within the district.

29.68.130 ————**General, primary election laws to apply.** The general election laws and laws relating to primaries shall apply to the special elections provided for in RCW 29.68.080 through 29.68.120 in so far as they are not inconsistent therewith, and shall be construed with and as a part thereof for the purpose of carrying out the spirit and intent thereof.

Chapter 29.71

U. S. PRESIDENTIAL ELECTORS

29.71.010 **Date of election—Number.** On the Tuesday next after the first Monday of November in the year in which a president of the United States is to be elected there shall be elected as many electors of president and vice president of the United States as there are senators and representatives in congress allotted to this state.

29.71.020 **Nomination—What names on ballots—How counted.** In the years in which presidential elections are held, each political party nominating candidates for president and vice president of the United States shall nominate their presidential electors for this state and file with the secretary of state certificates of nomination for such candidates at the time and in the manner and number provided by law. The secretary of state shall certify to the county

auditors the names of the candidates for president and vice president of the several political parties, which shall be printed on the ballot. The names of candidates for electors of president and vice president shall not be printed upon the ballots. The votes cast for candidates for president and vice president of each political party shall be counted for the candidates for presidential electors of such political party, whose names have been filed with the secretary of state.

29.71.030 Counting and canvassing the returns. The votes for candidates for president and vice president shall be given, received, returned and canvassed as the same are given, returned, and canvassed for candidates for congress. The secretary of state shall prepare three lists of names of electors elected and affix the seal of the state to the same. Such lists shall be signed by the governor and secretary of state and by the latter delivered to the college of electors at the hour of their meeting.

29.71.040 Meeting—Time—Procedure. The electors of the president and vice president shall convene at the seat of government on the day fixed by federal statute, at the hour of twelve o'clock noon of that day. If there is any vacancy in the office of an elector occasioned by death, refusal to act, neglect to attend, or otherwise, the electors present shall immediately proceed to fill it by viva voce, and plurality of votes. When all of the electors have appeared and the vacancies have been filled they shall constitute the college of electors of the State of Washington, and shall proceed to perform the duties required of them by the Constitution and laws of the United States.

29.71.050 Compensation. Every presidential elector who attends at the time and place appointed, and gives his vote for president and vice president, shall be entitled to receive from this state, five dollars for each day's attendance at the meeting of the college of electors, and ten cents per mile for travel by the usually traveled route in going to and returning from the place where the electors meet.

Chapter 29.74

U. S. CONSTITUTIONAL AMENDMENT CONVENTIONS

29.74.010 Governor's proclamation calling convention. Within thirty days after the state is officially notified that the congress of the United States has submitted to the several states a proposed amendment to the Constitution of the United States to be ratified or rejected by a convention, the governor shall issue a proclamation

fixing the time and place for holding the convention and fixing the time for holding an election to elect delegates to the convention.

29.74.020 ————**Publication of.** The proclamation shall be published once each week for two successive weeks in one newspaper published and of general circulation in each of the congressional districts of the state. The first publication of the proclamation shall be within thirty days of the receipt of official notice by the state of the submission of the amendment.

29.74.030 Election of convention delegates—Date for, how fixed. The date for holding the election of delegates shall be not less than one month nor more than six weeks prior to the date of holding the convention: *Provided*, That if a general state election is to be held not more than six months nor less than three months from the date of official notice of submission to the state of the proposed amendment, the governor must fix the date of the general election as the date for the election of delegates to the convention.

29.74.040 Time and place for holding convention. The convention shall be held not less than five nor more than eight months from the date of the first publication of the proclamation provided for in RCW 29.74.020. It shall be held in the chambers of the state house of representatives unless the governor shall select some other place at the state capitol.

29.74.050 Delegates. Number and qualifications. Each state representative district shall be entitled to as many delegates in the convention as it has members in the house of representatives of the state legislature. No person shall be qualified to act as a delegate in said convention who does not possess the qualifications required of representatives in the state legislature from the same district.

29.74.060 ————**Declarations of candidacy.** Anyone desiring to file as a candidate for election as a delegate to said convention shall, not less than thirty nor more than sixty days prior to the date fixed for holding the election, file his declaration of candidacy with the secretary of state. Filings shall be made on a form to be prescribed by the secretary of state and shall include a sworn statement of the candidate that he is either for or against, as the case may be, the amendment which will be submitted to a vote of the convention and that he will, if elected as a delegate, vote in accordance with his declaration. The form shall be so worded that the candidate must give a plain unequivocal statement of his views as either for or against the proposal upon which he will, if elected, be called upon to vote. No candidate shall in any such filing make any statement or declaration as to his party politics or political

faith or beliefs. The fee for filing as a candidate shall be ten dollars and shall be transmitted to the secretary of state with the filing papers and be by the secretary of state transmitted to the state treasurer for the use of the general fund.

29.74.070 Election of convention delegates, general procedure. The election of delegates to such convention shall as far as practicable, be called, held and conducted, except as otherwise in this chapter provided, in the same manner as a general election under the election laws of this state.

29.74.080 ————Ballots. The ballot shall be headed "Delegate to convention for ratification or rejection of proposed amendment to the United States Constitution, relating (stating briefly the substance of amendment proposed for adoption or rejection)." The names of all candidates who have filed for a district shall be printed on the ballots for that district in two separate groups. In one group under the heading, "For the amendment" shall be printed in alphabetical order of their surnames, the names of all candidates, who in their filed declaration of candidacy have declared themselves to be in favor of the amendment; and in the other group under the heading, "Against the amendment" shall be printed in alphabetical order of their surnames, the names of all candidates, who in their filed declaration of candidacy have declared themselves to be against the amendment. The wording of the headings for the two groups may be varied from that prescribed above if the nature of the proposal submitted by congress requires a different heading in order to clearly and briefly express the attitude of the candidates as disclosed in their declarations of candidacy. One of said groups shall occupy the left, and the other the right, column on said ballot. At the top of the ballot preceding the list of names shall be the statement, "Vote for" then the word, "two" or a spelled number designating the number of delegates to which the district is entitled, and "To vote for a person, make a cross (X) in the square at the right of the name of each person for whom you desire to vote." In all other respects the ballots shall follow the form prescribed by general law.

29.74.090 ————Qualifications of voters. Every person possessing the qualifications entitling him to vote at an election for state representatives, on the date of the election, shall be entitled to vote thereat.

29.74.100 ————Ascertaining election result. The election officials shall count and determine the number of votes cast for each individual; and shall also count and determine the aggregate number of votes cast for all candidates whose names appear under each

of the respective headings. Where more than the required number have been voted for, the ballot shall be rejected. The figures determined by the various counts shall be entered in the poll books of the respective precincts. The vote shall be canvassed in each county by the county canvassing board and certificate of results shall within twelve days after the election be transmitted to the secretary of state. Upon receiving such certificate, the secretary of state shall have power to require returns or poll books from any county precinct to be forwarded for his examination.

Where a district embraces precincts of more than one county, the secretary of state shall combine the votes from all the precincts included in each district. The delegates elected in each district shall be the number of candidates, corresponding to the number of state representatives from the district, who receive the highest number of votes in the group (either "for" or "against"), which received an aggregate number of votes for all candidates in the group greater than the aggregate number of votes for all the candidates in the other group, and the secretary of state shall issue certificates of election, to the delegates so elected.

29.74.110 Meeting—Organization. The convention shall meet at the time and place fixed in the governor's proclamation. It shall be called to order by the secretary of state, who shall then call the roll of the delegates and preside over the convention until its president is elected. The oath of office shall then be administered to the delegates by the chief justice of the supreme court. As far as practicable, the convention shall proceed under the rules adopted by the last preceding session of the state senate. The convention shall elect a president and a secretary and shall thereafter and thereupon proceed to vote viva voce upon the proposition submitted by the congress of the United States.

29.74.120 Quorum—Proceedings—Record. Two-thirds of the elected members of said convention shall constitute a quorum to do business, and a majority of those elected shall be sufficient to adopt or reject any proposition coming before the convention. If such majority votes in favor of the ratification of the amendment submitted to the convention, the said amendment shall be deemed ratified by the state of Washington; and if a majority votes in favor of rejecting or not ratifying the amendment, the same shall be deemed rejected by the state of Washington.

29.74.130 Certification and transmittal of result. The vote of each member shall be recorded in the journal of the convention, which shall be preserved by the secretary of state as a public document. The action of the convention shall be enrolled, signed by its president and secretary and filed with the secretary of state

and it shall be the duty of the secretary of state to properly certify the action of the convention to the congress of the United States as provided by general law.

29.74.140 Expenses, how paid—Delegates receive filing fee. The delegates attending the convention shall be paid the amount of their filing fee, upon vouchers approved by the president and secretary of the convention and state warrants issued thereon and payable from the general fund of the state treasury. The delegates shall receive no other compensation or mileage. All other necessary expenses of the convention shall be payable from the general fund of the state upon vouchers approved by the president and secretary of the convention.

29.74.150 Federal statutes controlling. If a congressional measure, which submits to the several states an amendment to the Constitution of the United States for ratification or rejection, provides for or requires a different method of calling and holding conventions to ratify or reject said amendment, the requirements of said congressional measure shall be followed so far as they conflict with the provisions of this chapter.

Chapter 29.79

INITIATIVE AND REFERENDUM

29.79.010 Filing proposed measures with secretary of state. If any legal voter or organization of legal voters of the state desires to petition the legislature to enact a proposed measure, or to submit a proposed initiative measure to the people, or to order that a referendum of any act, bill or law, or any part thereof, passed by the legislature be submitted to the people, he or they shall file in the office of the secretary of state five printed or typewritten copies of the measure proposed, or of the act or part thereof on which a referendum is desired, accompanied by the name and post office address of the proposer, and by an affidavit that the proposer (if an individual) is, or that the members of the proposer (if an organization), are legal voters.

29.79.020 Time for filing various types. Initiative measures proposed to be submitted to the people must be filed with the secretary of state within ten months prior to the election at which they are to be submitted, and the petitions therefor must be filed with the secretary of state not less than four months before the next general state-wide election.

Initiative measures proposed to be submitted to the legislature must be filed with the secretary of state within ten months prior to the next regular session of the legislature at which they are to

be submitted and the petitions therefor must be filed with the secretary of state not less than ten days before such regular session of the legislature.

A petition ordering that any act or part thereof passed by the legislature be referred to the people must be filed with the secretary of state within ninety days after the final adjournment of the legislative session at which the act was passed. It may be submitted at the next general state-wide election or at a special election ordered by the legislature.

29.79.030 Numbering—Transmittal to attorney general. The secretary of state shall give a serial number to each initiative or referendum measure, using a separate series for initiative and referendum measures, and forthwith transmit one copy of the measure proposed bearing its serial number to the attorney general. Thereafter a measure shall be known and designated on all petitions, ballots and proceedings as "Initiative Measure No." or "Referendum Measure No."

29.79.040 Ballot title—Formulation by attorney general. 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 statement of not to exceed one hundred 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 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.

29.79.050 Ballot title—Notice to proponents. 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 and by mail of the exact language thereof.

29.79.060 Ballot title—Appeal to superior court. If the proposers are dissatisfied with the ballot title formulated by the attorney general, they 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 title formulated by the attorney general and their objections thereto and praying for amendment thereof.

A copy of the petition on appeal together with a notice that an appeal has been taken shall be served upon the secretary of state and upon the attorney general. Upon the filing of the petition on appeal, the court shall forthwith, or at the time to which the hearing may be adjourned by consent of the appellants, examine the proposed measure, the title prepared by the attorney general 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 ballot title as it determines will meet the requirements of this chapter. The decision of the superior court shall be final, and the title so certified shall be the established ballot title. Such appeal shall be heard without costs to either party.

29.79.070 Ballot title—Mailed to proponents. When the ballot title has been finally established, the secretary of state shall file the instrument establishing it with the proposed measure and transmit a copy thereof by mail to the persons proposing the measure. Thereafter such ballot title shall be the title of the measure in all petitions, ballots and other proceedings in relation thereto.

29.79.080 Petitions—Paper—Size—Margins. 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 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 sheets 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 sheets of paper of like size and quality as the petition, firmly fastened together.

29.79.090 Petitions to legislature—Form. Petitions for proposing measures for submission to the legislature at its next regular session, shall be substantially in the following form:

WARNING

Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or who signs this petition when he is not a legal voter, or who makes herein any false statement, shall be punished by fine or imprisonment or both.

**INITIATIVE PETITION FOR SUBMISSION TO THE
LEGISLATURE**

To the Honorable _____, Secretary of State of the State
of Washington:

We, the undersigned citizens of the State of Washington and legal voters of the respective precincts set opposite our names, respectfully direct that this petition and the proposed measure known as Initiative Measure No. _____ and entitled (here set forth the established ballot title of the measure), a full, true and correct copy of which is hereto attached, shall be transmitted to the legislature of the State of Washington at its next ensuing regular session, and we respectfully petition the legislature to enact said proposed measure into law; and each of us for himself says: I have personally signed this petition; I am a legal voter of the State of Washington in the precinct, city (or town) and county written after my name, and my residence address is correctly stated.

Petitioner's signature	Residence address, street and number, if any	Precinct name or number	City or Town	County
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(Here follow 20 numbered lines divided into columns as below.)

1.....
2.....
3.....
etc.				

29.79.100 Petitions to people—Form. Petitions for proposing measures for submission to the people for their approval or rejection at the next ensuing general election, shall be substantially in the following form:

WARNING

Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or who signs this petition when he is not a legal voter, or who makes herein any false statement, shall be punished by fine or imprisonment or both.

INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

To the Honorable _____, Secretary of State of the State of Washington:

We, the undersigned citizens of the State of Washington and legal voters of the respective precincts set opposite our names, respectfully direct that the proposed measure known as Initiative Measure No. _____, entitled (here insert the established ballot title of the measure), a full, true and correct copy of which is hereto attached shall be submitted to the legal voters of the State of Washington for their approval or rejection at the general election to be held on the _____ day of _____, A.D. 19____; and each of us for himself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the precinct, city (or town) and county written after my name, and my residence address is correctly stated.

Petitioner's signature	Residence address, street and number, if any	Precinct name or number	City or Town	County
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(Here follow 20 numbered lines divided into columns as below.)

1.....
2.....
3.....
etc.

29.79.110. Petitions to refer—Form. Petitions ordering that acts or parts of acts passed by the legislature be referred to the people at the next ensuing general election, or special election ordered by the legislature, shall be substantially in the following form:

WARNING

Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or who signs this petition when he is not a legal voter, or who makes herein any false statement, shall be punished by fine or imprisonment or both.

PETITION FOR REFERENDUM

To the Honorable _____, Secretary of State of the State of Washington:

We, the undersigned citizens of the State of Washington and legal voters of the respective precincts set opposite our names,

respectfully order and direct that Referendum Measure No. _____, entitled (here insert the established ballot title of the measure) being a (or part or parts of a) bill passed by the _____ legislature of the State of Washington at the last regular (special) session of said legislature, shall be referred to the people of the state for their approval or rejection at the regular (special) election to be held on the _____ day of _____, A.D. 19 _____; and each of us for himself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the precinct, city (or town) and county written after my name, and my residence address is correctly stated.

Petitioner's signature	Residence address, street and number, if any	Precinct name or number	City or Town	County
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(Here follow 20 numbered lines divided into columns as below.)

1.....
2.....
3.....
etc.				

29.79.120 Petitions—Signatures—Number necessary. When the person or organization proposing any initiative measure has secured upon any such initiative petition the signatures of legal voters equal in number to or exceeding eight percent of the whole number of voters registering and voting for the office of governor at the regular gubernatorial election last preceding, or when the person or organization demanding any referendum of an act of the legislature or any part thereof has secured upon any such referendum petition the signatures of legal voters equal in number to or exceeding four percent of the whole number of voters registering and voting for the office of governor at the regular gubernatorial election last preceding, he or they may submit said petition to the secretary of state for filing in his office.

29.79.130 Petitions—Expense—Contributors—Sworn statement. At the time of submitting an initiative or referendum petition the person or organization submitting it shall file with the secretary of state a full, true and detailed statement giving the names and post office addresses of all persons, corporations and organizations who contributed any moneys to aid in the preparation, publication and advertising of the measure and the preparation, circulation and filing of the petition, with the amount contributed by each, and a

full, true and detailed statement of all expenditures, giving the amounts expended, the purpose for which expended, and the names and post office addresses of the persons and corporations to whom paid. The statement shall be verified by the affidavit of the person or some member of the organization in charge of the measure.

29.79.140 Petitions—Time for filing. The time for submitting initiative or referendum petitions to the secretary of state for filing is as follows:

(1) A referendum petition ordering and directing that the whole or some part or parts of an act passed by the legislature be referred to the people for their approval or rejection at the next ensuing general election or a special election ordered by the legislature, must be submitted not more than ninety days after the final adjournment of the session of the legislature which passed the act;

(2) An initiative petition proposing a measure to be submitted to the people for their approval or rejection at the next ensuing general election, must be submitted not less than four months before the date of such election;

(3) An initiative petition proposing a measure to be submitted to the legislature at its next ensuing regular session must be submitted not less than ten days before the commencement of the session.

29.79.150 Petitions — Acceptance or rejection by secretary of state. Upon any initiative or referendum petition being submitted to the secretary of state for filing, he may refuse to file it upon any of the following grounds:

(1) That the verified statement of contributions and contributors has not been filed.

(2) That the petition is not in proper form.

(3) That the petition clearly bears insufficient signatures.

(4) That the time within which the petition may be filed has expired.

In case of refusal, the secretary of state shall endorse on the petition the word "submitted" and the date, and retain the petition pending appeal.

If none of the grounds for refusal exists, the secretary of state must accept and file the petition.

29.79.160 Petitions—Review of refusal to accept and file. If the secretary of state refuses to file an initiative or referendum petition when submitted to him for filing, the persons submitting it for filing may, within ten days after his refusal, apply to the superior court of Thurston county for a citation requiring the secretary of state to bring the petitions before the court, and for a writ of mandate

to compel him to file it. The application shall take precedence over other cases and matters and shall be speedily heard and determined.

If the court issues the citation, and determines that the petition is legal in form and apparently contains the requisite number of signatures and was submitted for filing within the time prescribed in the Constitution, it shall issue its mandate requiring the secretary of state to file it in his office as of the date of submission for filing.

The decision of the superior court granting a writ of mandate shall be final.

29.79.170 Petitions—Review—Appeal from superior court's refusal to issue mandate. The decision of the superior court refusing to grant a writ of mandate, may be reviewed by the supreme court on a writ of certiorari sued out within five days after the decision of the superior court. The review shall be considered an emergency matter of public concern, and shall be heard and determined with all convenient speed, and if the supreme court decides that the petitions are legal in form and apparently contain the requisite number of signatures of legal voters, and were filed within the time prescribed in the Constitution, it shall issue its mandate directing the secretary of state to file the petition in his office as of the date of submission.

29.79.180 Petitions—Destruction on final refusal. If no appeal is taken from the refusal of the secretary of state to file a petition within the time prescribed, or if an appeal is taken and the secretary of state is not required to file the petition by the mandate of either the superior or the supreme court, the secretary of state shall destroy it.

29.79.190 Petitions—Consolidation into volumes. If the secretary of state accepts and files an initiative or referendum petition upon its being submitted for filing or if he is required to file it by the court, he shall forthwith, in the presence of the governor, or, if the governor is absent, in the presence of some other state officer, and in the presence of the persons submitting such petition for filing if they desire to be present, detach the sheets containing the signatures and cause them all to be firmly attached to one or more printed copies of the proposed initiative or referendum measure in such volumes as will be most convenient for canvassing and filing, and shall number such volumes and file the same and stamp on each thereof the date of filing.

29.79.200 Petitions to legislature—Count of signatures. Upon filing the volumes of an initiative petition proposing a measure for submission to the legislature at its next regular session, the secre-

tary of state shall forthwith in the presence of at least one person representing the advocates and one person representing the opponents of the proposed measure, should either desire to be present, proceed to canvass and count the names of the legal voters thereon. If he finds the same name signed to more than one petition he shall reject the name as often as it appears. If the petition is found to be sufficient, the secretary of state shall transmit a certified copy of the proposed measure to the legislature at the opening of its session together with a certificate of the facts relating to the filing of the petition and the canvass thereof.

29.79.210 Petitions to legislature—Count of signatures—Review. Any citizen dissatisfied with the determination of the secretary of state that an initiative or referendum petition contains or does not contain the requisite number of signatures of legal voters may, within five days after such determination, apply to the superior court of Thurston county for a citation requiring the secretary of state to submit the petition to said court for examination, and for a writ of mandate compelling the certification of the measure and petition, or for an injunction to prevent the certification thereof to the legislature, as the case may be. Such application and all proceedings had thereunder shall take precedence over other cases and shall be speedily heard and determined.

The decision of the superior court granting or refusing to grant the writ of mandate or injunction may be reviewed by the supreme court on a writ of certiorari sued out within five days after the decision of the superior court, and if the supreme court decides that a writ of mandate or injunction, as the case may be, should issue, it shall issue the writ directed to the secretary of state; otherwise, it shall dismiss the proceedings. The clerk of the supreme court shall forthwith notify the secretary of state of the decision of the supreme court.

29.79.220 Initiatives and referenda to voters—Count of signatures. Upon filing the volumes of a referendum petition or an initiative petition for submission of a measure to the people, the secretary of state shall canvass the names of the petition within sixty days after filing and like proceedings shall and may be had thereon as provided in RCW 29.79.200, 29.79.210, and 29.79.240.

29.79.230 Initiatives and referenda to voters—Certificate of sufficiency. If a referendum or initiative petition for submission of a measure to the people is found sufficient, the secretary of state shall at the time and in the manner that he certifies to the county auditors of the various counties the names of candidates for state and district officers certify to each county auditor the serial numbers and ballot

titles of the several initiative and referendum measures to be voted upon at the next ensuing general election or special election ordered by the legislature.

29.79.240 Petitions—Fraudulent names—Record. The secretary of state shall, while making the canvass, keep a record of all names appearing on an initiative or referendum petition which are not registered voters and of all names appearing thereon more than once, and shall report the same to the prosecuting attorneys of the respective counties where the names were signed to the end that prosecutions may be had for such violations of this chapter.

29.79.250 Referendum bills by legislature—Serial numbering. Whenever any bill passed by the legislature shall be by the legislature referred to the people for their approval or rejection at the next ensuing general election or at a special election ordered by the legislature, the secretary of state shall give such bill a serial number, using a separate series, such series being designated "Referendum bills."

29.79.260 Referendum bills by legislature—Ballot title. If the legislature did not prescribe a ballot title the secretary of state shall obtain from the attorney general a ballot title therefor in the manner provided for obtaining ballot titles for initiative measures, and shall certify the serial number and ballot title of such bill to the county auditors for printing on the ballots for such general or special election in like manner as initiative measures for submission to the people are certified.

29.79.270 Rejected initiative to legislature treated as referendum bill. Whenever any measure proposed by initiative petition for submission to the legislature is rejected by the legislature or the legislature takes no action thereon before the end of the regular session at which it is submitted, the secretary of state shall certify the serial number and ballot title thereof to the county auditors for printing on the ballots at the next ensuing general election in like manner as initiative measures for submission to the people are certified.

29.79.280 Substitute for rejected initiative treated as referendum bill. If the legislature, having rejected a measure submitted to it by initiative petition, proposes a different measure dealing with the same subject, the secretary of state shall give that measure the same number as that borne by the initiative measure followed by the letter "B." Such measure so designated as "Alternative Measure No. B," together with the ballot title thereof, when ascertained, shall be certified by the secretary of state to the county auditors for printing on the ballots for submission to the voters for their

approval or rejection in like manner as initiative measures for submission to the people are certified.

29.79.290 Substitute for rejected initiative—Ballot title. For a measure designated by him as "Alternative Measure No. B," the secretary of state shall obtain from the attorney general a ballot title in the manner provided for obtaining ballot titles for initiative measures. The ballot title therefor shall be different from the ballot title of the measure in lieu of which it is proposed, and shall indicate, as clearly as possible, the essential differences in the measure.

29.79.300 Printing ballot titles on ballots—Order and form. The county auditor of each county shall cause to be printed on the official ballots for the election at which initiative and referendum measures are to be submitted to the people for their approval or rejection the serial numbers and ballot titles, certified by the secretary of state. They shall appear under separate headings in the order of the serial numbers as follows:

(1) Measures proposed for submission to the people by initiative petition shall be under the heading, "Proposed by Initiative Petition";

(2) Bills passed by the legislature and ordered referred to the people by referendum petition shall be under the heading, "Passed by the Legislature and Ordered Referred by Petition";

(3) Bills passed and referred to the people by the legislature shall be under the heading, "Proposed to the People by the Legislature";

(4) Measures proposed to the legislature and rejected or not acted upon shall be under the heading, "Proposed to the Legislature and Referred to the People";

(5) Measures proposed to the legislature and alternative measures passed by the legislature in lieu thereof shall be under the heading, "Initiated by Petition and Alternative by Legislature."

29.79.310 Printing provisions on ballots for voting except on alternative measures. Except in the case of alternative voting on a measure initiated by petition, for which a substitute has been passed by the legislature, each measure submitted to the people for approval or rejection shall be so printed on the ballot, under the proper heading, that a voter can by making one cross (X) express his approval or rejection of such measure. Substantially the following form shall be a compliance with this section:

PROPOSED BY INITIATIVE PETITION

Initiative Measure No. 22, entitled (here insert the ballot title of the measure).

FOR Initiative Measure No. 22.....

AGAINST Initiative Measure No. 22.....

29.79.320 Printing provisions on ballots for voting on alternative measures. If an initiative measure proposed to the legislature has been rejected by the legislature and an alternative measure is passed by the legislature in lieu thereof the serial numbers and ballot titles of both such measures shall be so printed on the official ballots that a voter can express separately by making one cross (X) for each, two preferences: First, as between either measure and neither, and secondly, as between one and the other, as provided in the Constitution. Substantially the following form shall be a compliance with the constitutional provision:

INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE

Initiative Measure No. 25, entitled (here insert the ballot title of the initiative measure).

Alternative Measure No. 25B, entitled (here insert the ballot title of the alternative measure).

VOTE FOR EITHER, OR AGAINST BOTH

FOR EITHER Initiative No. 25 OR Alternative No. 25B.....

AGAINST Initiative No. 25 AND Alternative No. 25B.....

and vote FOR one.

FOR Initiative Measure No. 25.....

FOR Alternative Measure No. 25B.....

29.79.440 Violations by signers. Every person who signs an initiative or referendum petition with any other than his true name shall be guilty of a felony. Every person who knowingly signs more than one petition for the same initiative or referendum measure or who signs an initiative or referendum petition knowing that he is not a legal voter or who makes a false statement as to his residence on any initiative or referendum petition, shall be guilty of a gross misdemeanor.

29.79.480 Violations by officers. Every officer who wilfully violates any of the provisions of this chapter or chapter 29.81 RCW, for the violation of which no penalty is herein prescribed, or who wilfully fails to comply with the provisions of this chapter or chapter 29.81 RCW, shall be guilty of a gross misdemeanor.

29.79.490 Violations—Corrupt practices. Every person shall be guilty of a gross misdemeanor who:

(1) For any consideration or gratuity or promise thereof, signs or declines to sign any initiative or referendum petition; or

(2) Advertises in any manner that for or without consideration, he will solicit or procure signatures upon or influence or attempt to influence persons to sign or not to sign, to vote or not to vote upon an initiative or referendum petition or to vote for or against any initiative or referendum; or

(3) For any consideration or gratuity or promise thereof solicits or procures signatures upon an initiative or referendum petition; or

(4) Gives or offers any consideration or gratuity to any person to induce him to sign or not to sign, or to solicit or procure signatures upon an initiative or referendum petition or to vote for or against any initiative or referendum measure; or

(5) Interferes with or attempts to interfere with the right of any voter to sign or not to sign an initiative or referendum petition or with the right to vote for or against an initiative or referendum measure by threats, intimidation or any other corrupt means or practice; or

(6) Receives, handles, distributes, pays out or gives away, directly or indirectly, money or any other thing of value contributed by or received from any person, firm, association, or corporation whose residence or principal office is, or the majority of whose members or stockholders have their residence outside, the state of Washington, for any service rendered for the purpose of aiding in procuring signatures upon any initiative or referendum petition or for the purpose of aiding in the adoption or rejection of any initiative or referendum measure.

Chapter 29.80

CANDIDATES' PAMPHLET

29.80.010 Contents. There shall be mailed by the secretary of state to all voters of the state prior to each state general election a candidates' pamphlet containing photographs and campaign statements of eligible nominees who desire to participate therein.

29.80.020 Statement and photograph to be filed by nominee, date. Not later than forty-five days prior to the applicable state general election, each nominee for the office of United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, superintendent of public instruction, commissioner of public lands, insurance commissioner, state senator, state representative,

judge of the supreme court and judge of the superior court may file with the secretary of state a typewritten statement advocating his candidacy not to exceed three hundred fifty words per printed page accompanied by a photograph not more than five years old and suitable for reproduction. No such statement or photograph shall be filed by any person who is the sole nominee for any office.

29.80.030 Statements containing obscene, libelous, etc., language may be rejected—Certain insignias, uniforms prohibited in photographs—Board of review, appeal by nominee. (1) The secretary of state shall reject any statement offered for filing, which, in his opinion, contains any obscene, profane, libelous or defamatory matter, or any language or matter, the circulation of which through the mails is prohibited by congress. Nor shall any nominee submit a photograph showing the uniform or insignia of any organization which advocates or teaches racial or religious intolerance.

(2) Within five days after such rejection the persons submitting such statement for filing may appeal to a board of review, consisting of the governor, attorney general and the lieutenant governor. The decision of such board shall be final upon the acceptance or rejection of the matter thus in controversy.

29.80.040 Publication, date—Dimensions — Consolidation with voters' pamphlet. Said nominees' statements and photographs as set forth in RCW 29.80.010 and 29.80.020 shall be published by the secretary of state as a candidates' pamphlet, the printing of which shall be completed no later than twenty days prior to the state general election concerned. The over-all dimensions of such pamphlet shall be the same as the voters' pamphlet containing the text of state measures to be voted upon as set forth in RCW 29.79.390 and whenever possible shall be combined with the voters' pamphlet as a single publication. Whenever such consolidation is possible, the candidates' portion of the text shall follow the text relating to the state measures.

29.80.050 Charges to nominees for space. Nominees shall pay for one page of space in the candidates' pamphlet as follows:

(1) United States senator, United States representative and all nominees for state offices voted upon throughout the state, each two hundred dollars.

(2) State senator and state representative, each seventy-five dollars.

All such payments shall be made to the secretary of state when the statement is offered to him for filing and be transmitted by him to the state treasurer for deposit in the general fund.

Nominees for president and vice president shall each be entitled to one page without charge and each political party nominating a presidential candidate shall be entitled to one page without charge.

Said nominees and political parties may each purchase additional pages at the rate of one hundred dollars per page not to exceed three additional pages.

29.80.060 Classification and distribution according to county—Order of appearance in pamphlet. Whenever practical, the secretary of state shall cause the pamphlets to be printed so that no candidate's picture or statement shall be included in the copy of the pamphlet going to any county where such candidate is not to be voted for.

The candidates' photographs and statements shall appear in the pamphlet in the same sequence as the positions sought appear on the state general election ballot.

29.80.070 Rules and regulations. The secretary of state, as chief election officer, shall make rules and regulations, not inconsistent with this chapter, to facilitate and clarify any procedures contained herein.

Chapter 29.81

VOTERS' PAMPHLET

29.81.010 Contents, how organized. 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.

(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.

(4) Following each argument 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.

29.81.020 Explanatory statement by attorney general, appeal, judicial statement—Arguments by committees. (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 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 shall be the official arguments and no other arguments 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.

29.81.030 Committee advocating approval of constitutional amendment, referendum bill, referendum measure—Membership—Submission of argument for printing. Arguments advocating voters' approval of any proposed constitutional amendment, referendum bill, 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.

29.81.040 Committee advocating rejection of constitutional amendment, referendum bill—Membership—Submission of argument for printing. Arguments advocating voters' rejection of any proposed constitutional amendment or referendum bill passed by the legislature and referred to the people for final decision 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 the 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.

29.81.050 Committee advocating rejection of referendum petition—Committees advocating for and against initiative measures—Membership—Submission of arguments for printing. 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 any initiative measure shall be composed and submitted for printing by committees created as follows:

(1) 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.

(2) 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.

29.81.060 Committees—Chairmen, advisory members, vacancies. Committees created pursuant to RCW 29.81.030, 29.81.040 and 29.81.050 shall elect from their members a chairman to conduct the business of the committee. Each committee may name other persons, not to exceed five, to serve as advisory committee members without vote.

In the event of a vacancy or vacancies in one of the committees, the remaining committee members or member, shall fill such vacancy or vacancies by appointment. Should any vacancy not be

filled within fifteen days after it first occurs, the secretary of state shall fill such vacancy by appointment.

29.81.070 Rules and regulations by secretary of state. The secretary of state shall promulgate such rules and regulations as may be necessary to facilitate the provisions of this chapter including but not limited to the setting of final dates for the appointment of committees, for the filing of arguments and explanatory statements with his office, and for filing with his office a notice of any judicial review concerning the provisions of this chapter.

29.81.080 Manner and style of printing proposed constitutional amendments in pamphlets. Any proposed constitutional amendment which amends any part of the Constitution as it then exists shall be set forth in the following form: All deleted matter shall be set in italics and enclosed in brackets and all new material shall be underlined and there shall appear in bold face type between the caption and the body of the amendment, the following statement: "All words printed in italics are in the Constitution at the present and are being taken out by this amendment. All words underscored do not appear in the Constitution as it now is written but will be put in if this amendment is adopted.": *Provided*, That if in the opinion of the secretary of state the proposed amendment is so extensive that the foregoing method is not practical then, in that case, the section of the Constitution as it stands at the time of the election and the Constitution as it will appear if amended shall be printed on facing pages headed in bold face type by the words "the Constitution as it is before amendment" and "the Constitution as it will be if amended."

29.81.090 Arguments containing obscene, libelous, treasonable, etc., language may be refused—Board of censors, appeal by committee. If in the opinion of the secretary of state any argument offered for filing contains any obscene, vulgar, profane, scandalous, libelous, defamatory, or treasonable matter, or any language tending to provoke crime or a breach of the peace, or any language or matter the circulation of which through the mails is prohibited by any act of congress, the secretary of state shall refuse to file it: *Provided*, That the committee submitting such argument for filing may appeal to a board of censors consisting of the governor, the attorney general and the superintendent of public instruction, and the decision of a majority of such board shall be final.

29.81.100 Publication date of pamphlets—Arrangement of material. At least sixty days prior to any election at which any initiative or referendum measure 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 number, the ballot title, the legislative title, 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.

29.81.110 Order in which measures and arguments must be printed in pamphlets. All measures and arguments shall be printed in the following order:

- (1) Those "Proposed by Initiative Petition";
- (2) Those "Proposed to the People by the Legislature";
- (3) Those "Proposed to the Legislature and Referred to the People";
- (4) Those "Initiated by Petition and Alternative by the Legislature";
- (5) "Amendments to the Constitution Proposed by the Legislature"; and
- (6) "Measures Recommending Constitutional Conventions."

29.81.120 Printing specifications and make-up of measures and arguments in pamphlets. All measures and arguments shall be printed and bound in a single pamphlet according to the following specifications:

- (1) The pages of the pamphlet shall be not larger than eight and one-half by eleven inches in size;
- (2) The outside measurement of the printed matter of each page shall be not less than six by nine inches, including running head;
- (3) It shall be printed in clear readable type;
- (4) The pamphlet shall be printed on a quality and weight of paper which in the judgment of the secretary of state best serves the voters.

It shall be the duty of the secretary of state to publish in such pamphlets a table of contents and a brief alphabetical index of subjects.

29.81.130 Costs of printing and binding pamphlets. The cost of printing and binding such pamphlets including the printing of arguments shall be paid from the moneys appropriated for printing for the secretary of state.

29.81.140 Distribution to voters. Not less than fifty-five days before any election at which initiative or referendum measures are to be submitted to the people, the secretary of state shall transmit, by mail with postage fully prepaid, to every voter in the state whose address he can with reasonable diligence ascertain, one copy of the pamphlet.

29.81.150 Distribution to officers and institutions. The secretary of state shall transmit by the least expensive means, copies of the pamphlet as follows:

(1) Two copies to:

Each state officer and each member of a state board;
 Each county officer;
 Each judge of the supreme and superior courts;
 Each public library;
 Each member of the legislature.

(2) Three copies to:

Each voting precinct in the state, by transmittal through the county auditor of each county for the precincts in his county for the information of voters at the polls;

Each educational, charitable, penal, and reformatory institution of the state for its library;

(3) Five copies to the state library;

(4) Reserve supply for distribution on request as many copies as he deems necessary.

29.81.160 Distribution costs—How paid. The cost of mailing and distributing the pamphlets shall be paid from money appropriated for postage for the secretary of state.

Chapter 29.82

THE RECALL

29.82.010 Initiating recall proceedings—Statement—Contents—Verification. Whenever any legal voter or committee or organization of legal voters of the state or of any political subdivision thereof shall desire to demand the recall and discharge of any elective public officer of the state or of such political subdivision, as the case may be, under the provisions of sections 33 and 34 of article 1 of the Constitution, he or they shall prepare a typewritten charge, reciting that such officer, naming him and giving the title of his office, has committed an act or acts of malfeasance, or an act or acts of misfeasance while in office, or has violated his oath of office, or has been guilty of any two or more of the acts specified in the Constitution as grounds for recall, which charge shall state the act or acts complained of in concise language, without unnecessary repetition, and shall be signed by the person or persons making the same, give their respective post office addresses, and be verified under oath that he or they believe the charge or charges to be true.

29.82.015 Petition—Where filed. In case the officer whose recall is to be demanded be a state officer, the person making the charge shall file the same with the secretary of state. In case the officer

whose recall is to be demanded be a county officer, the person or persons making the charge shall file the same with the county auditor. In case the officer whose recall is to be demanded be an officer of an incorporated city or town, the persons making the charge shall file the same with the clerk of said city or town. In case the officer whose recall is to be demanded is an officer of any other political subdivision of the state, the persons making the charge shall file the same with the officer whose duty it is to receive and file petitions for nomination of candidates for the office concerning the incumbent of which the recall is to be demanded.

29.82.020 Ballot synopsis. If the acts complained of in the charge are acts of malfeasance or misfeasance while in office, or a violation of the oath of office, as specified in the Constitution, the officer with whom the charge is filed shall formulate a ballot synopsis of such charge of not to exceed two hundred words, which shall set forth the name of the person charged, the title of his office, and a concise statement of the elements of the charge, and shall notify the persons filing the charge of the exact language of such ballot synopsis, and attach a copy thereof to and file the same with the charge, and thereafter such charge shall be designated on all petitions, ballots and other proceedings in relation thereto by such synopsis.

29.82.030 Petition—Form. Upon being notified of the language of the ballot synopsis of the charge, the persons filing the charge shall cause to be printed on single sheets of white paper of good quality twelve inches in width by fourteen inches in length and with a margin of one and three-fourths inches at the top for binding, blank petitions for the recall and discharge of such officer. Such petitions shall be substantially in the following form:

WARNING

Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or who signs this petition when he is not a legal voter, or who makes herein any false statement, shall be fined, or imprisoned, or both.

Petition for the recall of (here insert the name of the office and of the person whose recall is petitioned for) to the Honorable (here insert the name and title of the officer with whom the charge is filed).

We the undersigned citizens of (the State of Washington or the political subdivision in which the recall is invoked, as the case may be) and legal voters of the respective precincts set opposite our respective names, respectfully direct that a special election be

called to determine whether or not (here insert the name of the person charged and the office which he holds) be recalled and discharged from his office, for and on account of (his having committed the act or acts of malfeasance or misfeasance while in office, or having violated his oath of office, as the case may be), in the following particulars: (here insert the synopsis of the charge); and each of us for himself says: I have personally signed this petition; I am a legal voter of the State of Washington in the precinct and city (or town) and county written after my name, and my residence address is correctly stated.

Petitioner's signature	Residence address, street and number, if any	Precinct name or number	City or Town	County
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(Here follow 20 numbered lines divided into columns as below.)

1.....
2.....
3.....
etc.

29.82.040 Petitions—Size. Each recall petition at the time of circulating, signing and filing with the officer with whom it is to be filed, shall consist of not more than five sheets 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 original statement of the charges against the officer referred to therein, printed on sheets of paper of like size and quality as the petition, firmly fastened together.

29.82.050 Comparison and certification of signatures on petitions. Every recall petition before it is filed with the officer with whom it is required by the Constitution to be filed shall be filed with the secretary of state, county auditor or other registration officer whose duty it shall be to forthwith compare the signatures, addresses and precinct numbers on the petition with his records. The secretary of state or other officer shall by the use of his initials in ink designate opposite their signatures those persons who by his registration records are legal voters. The secretary of state or other officer shall certify upon the last signature sheet that the signatures so designated are the signatures of the legal voters of the state of Washington qualified to vote in the political subdivision affected by the recall petition and upon demand return it to the person who filed it with him. The omission to fill any blanks shall not prevent the

certification of any name, if sufficient information is given to enable one by a comparison of signatures to identify the voter.

29.82.060 Number of signatures required. When the person, committee, or organization demanding the recall of a public officer has secured sufficient signatures upon the recall petition he or it may submit the same to the officer with whom the charge was filed for filing in his office. The number of signatures required shall be as follows:

(1) In the case of a state officer, an officer of a city of the first class, a member of a school board in a city of the first class, or a county officer of a county of the first, second or third class—signatures of legal voters equal to twenty-five percent of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election.

(2) In the case of an officer of any political subdivision, city, town, township, precinct, or school district other than those mentioned in subdivision (1), and in the case of a state senator or representative—signatures of legal voters equal to thirty-five percent of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election.

29.82.070 Expense—Contributors—Sworn statement. At the time of submitting a recall petition the person, or organization submitting it shall file with the officer to whom such petition is submitted a full, true and detailed statement, giving the names and post office addresses of all persons, corporations and organizations who have contributed or aided in the preparation of the charge and in the preparation, circulation and filing of the petition, with the amount contributed by each, and a full, true and detailed statement of all expenditures, giving the amounts expended, the purpose for which expended and the names and post office addresses of the persons and corporations to whom paid, which statement shall be verified by the affidavit of the person or some member of the organization making the charge and until such statement is filed the officer shall refuse to receive the petition.

29.82.080 Canvassing petition for sufficiency of signatures—Time of—Notice. Upon the filing of a recall petition in his office, the officer with whom the charge was filed shall stamp on each petition the date of filing, and shall notify the persons filing them and the officer whose recall is demanded of the date when the petitions will be canvassed, which date shall be not less than five or more than ten days from the date of its filing.

29.82.090 Canvassing petition for sufficiency of signatures—Procedure. At the time set for the canvass in the presence of at least

one person representing the petitioners and in the presence of the person charged, or some one representing him, if either should desire to be present, the canvassing officer shall detach the sheets containing the signatures from the copies of the charge, and cause them to be firmly attached to one or more copies of the charge in such volumes as will be most convenient for canvassing and filing; and shall proceed to canvass and count the names of certified legal voters on such petitions. If he finds that the same person has signed more than one petition, he shall reject all signatures of such person from the count.

29.82.100 Certification of proposition for recall for calling of election. If at the conclusion of the canvass and count, it is found that a petition for recall bears the requisite number of signatures of certified legal voters, the officer with whom the petition is filed shall certify the proposition to the proper authority which shall fix a date, not less than ten nor more than fifteen days after the conclusion of the canvass, for calling a special election to determine whether or not the officer charged shall be recalled and discharged from his office. On the date fixed the election shall be called. The special election shall be held not less than thirty nor more than forty days from the date of the call, and notice thereof shall be given in the manner required by law for calling special elections in the state or in the political subdivision, as the case may be.

29.82.110 Destruction of insufficient recall petition. If it is found that the recall petition does not contain the requisite number of signatures of certified legal voters, the officer shall so notify the persons filing the petition, and at the expiration of thirty days from the conclusion of the count he shall destroy the petitions unless prevented therefrom by the injunction or mandate of a court.

29.82.120 Fraudulent names—Record of. The officer making the canvass of a recall petition shall keep a record of all names appearing thereon which are not certified to be legal voters of the state or of the political subdivision, as the case may be, and of all names appearing more than once thereon, and he shall report the same to the prosecuting attorneys of the respective counties where such names appear to have been signed, to the end that prosecutions may be had for such violation of this chapter.

29.82.130 Conduct of election—Form of ballot. The special election to be called for the recall of officers shall be conducted in the same manner as general, state, county, municipal or other political subdivision elections, as the case may be, are conducted. The proper election officer shall provide for the holding of recall elections and the necessary places and officers, ballot boxes, ballots, poll books,

voting machines, supplies and returns as are required by law for holding general elections. The ballots at any recall election shall contain a full, true and correct copy of the ballot synopsis of the charge, and shall be so arranged that any voter can, by making one cross (X) express his desire to have the officer charged recalled from his office, or retained therein. Substantially the following form shall be a compliance with the provisions of this section:

RECALL BALLOT

(Here insert the ballot synopsis of the charge.)

FOR the recall of (here insert the name of the officer)

AGAINST the recall (here insert the name of the officer)

29.82.140 Ascertaining the result. The votes on a recall election shall be counted, canvassed and the results certified in the manner provided by law for counting, canvassing and certifying the results of an election for the office from which the officer is being recalled: *Provided*, That if the officer whose recall is demanded is the officer to whom, under the law, returns of elections are made, such returns shall be made to the officer with whom the charge is filed, and who called the special election; and in case of an election for the recall of a state officer, the county canvassing boards of the various counties shall canvass and return the result of such election to the officer calling such special election.

29.82.150 When recall becomes effective. Upon the completion of the canvass of the returns of any recall election, the result shall be published in the manner required by law for the publication of the results of general elections. If a majority of all votes cast at the recall election is for the recall of the officer charged, he shall thereupon be recalled and discharged from his office, and the office shall thereupon become and be vacant.

29.82.160 Enforcement provisions—Mandamus—Appeals. The superior court of the county constituting or containing any political subdivision in which the recall is invoked shall have original jurisdiction to compel the performance of any act required of any public officer or to prevent the performance by any such officer of any act in relation to the recall not in compliance with law.

The supreme court shall have like original jurisdiction in relation to state officers and revisory jurisdiction over the decisions of the superior courts: *Provided*, That any proceeding to compel or prevent the performance of any such act shall be begun within ten days from the time the cause of complaint arises, and shall be considered an emergency matter of public concern and take precedence over other cases, and be speedily heard and determined. Any proceeding

to review a decision of any superior court shall be begun and perfected within fifteen days after its decision in a recall election case and shall be by the supreme court considered an emergency matter of public concern, and speedily heard and determined.

29.82.170 Violations by signers—Officers. Every person who signs a recall petition with any other than his true name shall be guilty of a felony; every person who knowingly signs more than one petition for the same recall, or who signs a recall petition when he is not a legal voter, or who makes a false statement as to his residence on any recall petition, and every registration officer who shall make any false report or certificate on any recall petition shall be guilty of a gross misdemeanor.

29.82.210 Violation by officers. Every officer who wilfully violates any of the provisions of this chapter, for the violation of which no penalty is herein prescribed or who wilfully fails to comply with the provisions of this chapter shall be guilty of a gross misdemeanor.

29.82.220 Violations—Corrupt practices. Every person shall be guilty of a gross misdemeanor, who:

(1) For any consideration, compensation, gratuity, reward or thing of value or promise thereof, signs or declines to sign any recall petition; or

(2) Advertises in any newspaper, magazine or other periodical publication or in any book, pamphlet, circular or letter or by means of any sign, signboard, bill, poster, handbill or card or in any manner whatsoever, that he will either for or without compensation or consideration circulate, or solicit, procure or obtain signatures upon, or influence or induce or attempt to influence or induce persons to sign or not to sign any recall petition or vote for or against any recall; or

(3) For pay or any consideration, compensation, gratuity, reward or thing of value or promise thereof, circulates, or solicits, procures or obtains or attempts to procure or obtain signatures upon any recall petition; or

(4) Pays or offers or promises to pay, or gives or offers or promises to give any consideration, compensation, gratuity, reward or thing of value to any person to induce him to sign or not to sign, or to circulate or solicit, procure or attempt to procure or obtain signatures upon any recall petition, or to vote for or against any recall; or

(5) By any other corrupt means or practice or by threats or intimidation interferes with or attempts to interfere with the right of any legal voter to sign or not to sign any recall petition or to vote for or against any recall; or

(6) Receives, accepts, handles, distributes, pays out or gives away, directly or indirectly, any money, consideration, compensation, gratuity, reward or thing of value contributed by or received from any person, firm, association, or corporation whose residence or principal office is, or the majority of whose stockholders are nonresidents of the state of Washington, for any service, work or assistance of any kind done or rendered for the purpose of aiding in procuring signatures upon any recall petition or the adoption or rejection of any recall.

Chapter 29.85

CRIMES AND PENALTIES

29.85.010 Ballots—Counterfeiting or unlawful possession. Any person other than the officer charged by law with the care of ballots, or a person entrusted by any such officer with the care of the same for the purposes required by law, who has in his possession outside of the voting room any official ballot or any person who makes or has in his possession any counterfeit of any official ballot, shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not exceeding one thousand dollars nor less than five hundred dollars, or to undergo imprisonment in the county jail for a term not less than six months nor more than one year, or both, at the discretion of the court.

29.85.020 Ballots—Officer tampering with. Any judge, inspector, clerk, or any other officer of an election who opens or marks, by folding or otherwise, any ballot presented by a voter at any election, or attempts to find out the names thereon, or suffers the same to be done by any other person, before the ballot is deposited in the ballot box, shall be guilty of a gross misdemeanor.

29.85.030 Ballots—Opening, disclosing choice of voter. If any inspector, judge, or clerk of election, previous to putting the ballot of any elector in the ballot box, attempts to pry into, or find out, any name or names on such ballot, which has been handed in by the elector in a folded form; or if any inspector, judge, or clerk of election opens, or suffers to be opened, the folded ballot of any elector which has been handed in by any elector, with a view to ascertaining the name of any person, or persons for whom such elector voted; or if any inspector, judge, or clerk of election, without the consent of the elector, discloses the name of any person or persons which such inspector, judge, or clerk has fraudulently or illegally discovered to have been voted for by such elector at any election, he shall, upon conviction thereof, be fined in any sum not less than fifty nor more than five hundred dollars.

29.85.040 Ballots — Unlawful printing or distribution. Any printer, business manager, or publisher employed by any officer authorized by the laws of this state to procure the printing of any official ballot or any person engaged in printing official ballots who appropriates to himself or gives or delivers or knowingly permits to be taken any official ballot by any other person than the officer authorized by law to receive it, or who wilfully prints or causes to be printed any official ballot in any other form than that prescribed by law or as directed by the officer authorized to procure the printing thereof or with any other names thereon or with the names spelled otherwise than as directed by such officer, or the names or printing thereon arranged in any other way than that authorized and directed by law, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars, nor less than five hundred dollars, or imprisonment in the county jail for a term not exceeding one year nor less than six months, or both, at the discretion of the court.

29.85.050 Ballots—Misleading voters in marking. Any person who fraudulently causes, or attempts to cause, any voter, at any election held pursuant to law in this state, to vote for a person different from the one he intended to vote for, shall be fined not more than one hundred nor less than ten dollars.

29.85.060 Intimidating, influencing or bribing elector. Any person who uses menace, force, threat, or corrupt means at or previous to any election held pursuant to the laws of the state towards any elector to hinder or deter such elector from voting at such election, or directly or indirectly offers any bribe or reward of any kind to induce an elector to vote for or against any person or proposition, or authorizes any person to do so, shall be guilty of a felony.

Any inspector, judge, or clerk of election who attempts to induce, by persuasion, menace, or reward, or promise thereof, any elector to vote for any person shall be guilty of a gross misdemeanor.

29.85.070 ————Influencing voter to vote or not to vote—False assertions, bribery, etc. Any person who in any way, directly or indirectly, by menace or other corrupt means or device, attempts to influence any person in giving or refusing to give his vote in any election, or deters or dissuades any person from giving his vote therein, or disturbs, hinders, persuades, threatens, or intimidates any person from giving his vote therein; or who at any such election, knowingly and wilfully makes any false assertion or propagates any false report concerning any person who is candidate thereat, which shall have a tendency to prevent his election, or with a view thereto, shall be guilty of a misdemeanor and, on con-

viction, shall be punished by a fine of not to exceed two hundred fifty dollars or by imprisonment for the term of six months, or by both.

29.85.080 ————**Solicitation of bribe by candidate or voter.** Any candidate for office, in any election hereinafter mentioned, under the laws of this state, or any other person, who, directly or indirectly, offers, promises, procures, confers, or gives any money, property, thing in action, victuals, drink, preferment, or other consideration or valuable thing, by way of fee, reward, gift, or gratuity, for giving or refusing to give any vote in any election of any public officer, state, county, municipal, whatever; or any person who carries voters to any polling place by any means of transportation for the purpose of influencing their votes, shall be deemed guilty of a misdemeanor and on conviction thereof, be punished by a fine of not to exceed one thousand dollars or imprisonment not to exceed six months, or both, and, as a part of the judgment of the court, be deprived of the right of suffrage, and, if the offender was a candidate, he shall be disqualified to hold any office to which he may have been elected at such election.

Like penalties shall apply to any person who, directly or indirectly, asks for, accepts, receives, or takes any such bribe, or promise thereof, by giving or refusing to give his vote in any such election.

29.85.090 ————**Solicitation of bribe by voter in primary.** Any person who solicits, requests, or demands, directly or indirectly, any money, intoxicating liquor, or anything of value or the promise thereof either to influence his vote or for the purpose or pretended purpose of influencing the vote of any other person at the polls or other place prior to or on the day of any primary election, for or against any candidate for office or for or against any measure to be voted upon at a primary election, shall be guilty of a misdemeanor; upon conviction thereof, he shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

29.85.100 Certificates of nomination and ballots—Fraud as to. Every person shall be guilty of a felony and punished by imprisonment in the penitentiary for a period of not less than one year nor more than five years, who:

- (1) Falsely makes a certificate of nomination; or
- (2) Falsely makes an oath to a certificate of nomination; or
- (3) Fraudulently defaces or destroys a certificate of nomination or any part thereof; or
- (4) Files or receives for filing a certificate of nomination, knowing that it or any part of it has been falsely made; or

(5) Suppresses a certificate of nomination which has been filed, or any part thereof; or

(6) Forges or falsely makes the official endorsement on any ballot.

29.85.110 Destroying or defacing election supplies and notices. Any person who on election day wilfully removes or destroys any of the supplies or other conveniences placed in the voting booths for the purpose of enabling the voter to prepare his ballot, or who, prior to or on election day, wilfully defaces or destroys any posted list of candidates, or during an election tears down or defaces cards of instruction for voters shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars.

29.85.120 Electioneering for hire in commission form cities. Any person who agrees to perform any service in the interest of a candidate for an office of a city operating under the commission form of government in consideration of any money or other valuable thing shall be punished by a fine not exceeding three hundred dollars nor less than twenty-five dollars or be imprisoned in the county jail not exceeding thirty days, nor less than five days, or by both such fine and imprisonment.

29.85.130 Bribery and other election violations in commission form cities. Any person giving or offering to give a bribe, either in money, or other thing of value, to any elector for the purpose of influencing his vote at any election in a city operating under the commission form of government; or any elector who solicits, receives, or accepts such bribe; or any person who makes false answer as to his qualifications to vote at any such election; or any person who wilfully votes or offers to vote at such election knowing himself not to be a qualified elector of the precinct where he votes or offers to vote; or any person who knowingly procures, aids, or abets any violation hereof, shall, upon conviction, be guilty of a misdemeanor and fined a sum of not less than one hundred dollars nor more than five hundred dollars and be imprisoned in the county jail not less than ten days nor more than ninety days.

29.85.140 Forgery on nomination paper. Any person who forges the name of any person as a signer or witness to a nomination paper shall be deemed guilty of forgery, and on conviction thereof punished accordingly.

29.85.150 Inducing noncitizen Indian to vote. Any person who induces or attempts to induce any Indian to vote or offer his vote at any election, shall be fined in any sum not exceeding five hundred dollars, to which may be added imprisonment in the county jail not to exceed three months: *Provided*, That this section shall not

be so construed as to include Indians who are citizens and entitled to vote under the Constitution of the United States and the acts of congress.

29.85.160 Officers where voting machines are used—Violations at the polls. Every election officer in precincts where voting machines are used shall be guilty of a felony and fined not less than fifty dollars nor more than five hundred dollars, or confined in the state penitentiary not less than six months nor more than one year or punished by both such fine and imprisonment who:

- (1) Deceives any voter in recording his vote; or
- (2) Records the vote of any voter in a manner other than as designated by the voter; or
- (3) Gives information to any person as to what candidates or for or against what measures any voter has voted; or
- (4) Seeks to suggest or persuade any voter to vote for any party or for any candidate or for or against any measure.

29.85.170 Officers—Violations generally. Every person charged with the performance of any duty under the provisions of any law of this state relating to elections, including primaries, or the provisions of any charter or ordinance of any city or town of this state relating to elections who wilfully neglects or refuses to perform such duty, or who, in the performance of such duty, or in his official capacity, knowingly or fraudulently violates any of the provisions of law relating to such duty, shall be guilty of a felony and shall forfeit his office.

29.85.180 Perjury—Swearing falsely when challenged at primary. Any person whose vote is challenged at a primary election who knowingly, wilfully and corruptly swears or affirms falsely, shall be deemed guilty of perjury, and shall be punished accordingly.

29.85.190 Registration law—Officer violating. If any officer:

- (1) Wilfully neglects or refuses to perform any duty required by law in connection with the registration of voters; or
- (2) Wilfully neglects or refuses to perform such duty in the manner required by voter registration law; or
- (3) Enters or causes or permits to be entered on the registration records of any precinct the name of any person in any other manner or at any other time than as prescribed by voter registration law or enters or causes or permits to be entered on such records the name of any person not entitled to be thereon; or
- (4) Destroys, mutilates, secretes, changes or alters any registration record in connection therewith except as authorized by voter registration law, he shall be guilty of a gross misdemeanor and in addition to any other penalty otherwise provided by law, shall forfeit any office he holds.

29.85.200 Registration law—Registering under false name. Any person who falsely swears, in taking the oath or affirmation prescribed for registration, or falsely personates another and procures himself to be registered as the person so personated, or causes himself to be registered under two or more different names, or causes any name to be registered otherwise than in the manner provided by law, shall be guilty of a felony.

29.85.210 Repeaters. Any person who votes or attempts to vote more than once at any election, or who knowingly hands in two or more ballots together, or, having voted in one township, precinct, ward, or county, afterward, on the same day, votes or attempts to vote, in another township, precinct, ward, or county, shall be guilty of a gross misdemeanor, and shall be incapable of voting at any election or holding any office for two years thereafter.

29.85.220 Repeaters—Officers conniving with. Any inspector or judge of any election who knowingly permits any elector to cast a second vote at any election, or knowingly permits any person not a qualified elector to vote at any election, shall be guilty of a felony and shall be incapable of holding any office in this state for five years thereafter.

29.85.230 Returns and posted copy of results—Tampering with. It shall be a misdemeanor for any person to remove or deface the posted copy of the result of votes cast at their precinct or to delay delivery of or change the copy of election returns to be delivered to the proper election officer.

29.85.240 Unqualified persons voting. Any person knowing that he does not possess the legal qualifications of a voter who votes at any election authorized by law to be held in this state for any office whatever, shall be guilty of a felony.

29.85.260 Voting machines—Tampering with—Extra keys. Any person who tampers with or injures or attempts to injure any voting machine to be used or being used in an election, or who prevents or attempts to prevent the correct operation of such machine, or any unauthorized person who makes or has in his possession a key to a voting machine to be used or being used in an election, shall be guilty of a felony and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment in the state penitentiary for not less than one year nor more than five years, or by both such fine and imprisonment.

29.85.270 Political advertising—Use of assumed name. All political advertising, whether relating to candidates or issues, however promulgated or disseminated, shall identify at least one of the sponsors thereof if the advertising is sponsored by other than the

candidate or candidates listed thereon, by listing the name and address of the sponsor or sponsors on the material or in connection with its presentation. If a candidate or candidates run for partisan political office, they and their sponsors shall also designate on all such political advertising clearly in connection with each such candidate the party to which each such candidate belongs. The person or persons listed as sponsors of such advertising shall warrant its truth. The use of an assumed name shall be unlawful. Whenever any corporation sponsors political advertising, the name and address of the president of the corporation shall be listed on the material or in connection with its presentation.

29.85.280 ————**Penalty.** Any violation of RCW 29.85.270 shall constitute a gross misdemeanor and shall be subject to a fine of not more than one thousand dollars or imprisonment for not more than one year, or both.

Chapter 29.98

CONSTRUCTION

29.98.010 Continuation of existing law. The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

29.98.020 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

29.98.030 Invalidity of part of title not to affect remainder. If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

29.98.040 Repeals and saving. The following acts or parts of acts are repealed:

- (1) Sections 1 and 2, page 64, Laws of 1854;
- (2) Sections 3 through 21, pages 65 through 68, Laws of 1854;
- (3) Sections 22 through 27, pages 68 and 69, Laws of 1854;
- (4) Sections 28 through 38, pages 70 through 72, Laws of 1854;
- (5) Sections 39 through 43, pages 72 and 73, Laws of 1854;
- (6) Sections 1 through 7, pages 74 and 75, Laws of 1854;
- (7) Sections 92 through 97, pages 92 and 93, Laws of 1854;
- (8) Sections 2 through 5, page 25, Laws of 1865;
- (9) Sections 1 through 6, pages 27 and 28, Laws of 1865;

- (10) Sections 3, 4, and 5, pages 29 and 30, Laws of 1865;
- (11) Sections 1 through 9, pages 30 through 33, Laws of 1865;
- (12) Sections 1 through 12, pages 33 through 36, Laws of 1865;
- (13) Sections 1 through 15, pages 37 through 41, Laws of 1865;
- (14) Sections 1 through 21, pages 42 through 46, Laws of 1865;
- (15) Sections 1 through 15, pages 47 through 49, Laws of 1865;
- (16) Sections 1 through 12, pages 50 through 53, Laws of 1865;
- (17) Sections 1 through 5, and 8 through 11, pages 6 through 8,
Laws of 1866;
- (18) Sections 1 and 2, page 19, Laws of 1868;
- (19) Section 1, page 20, Laws of 1868;
- (20) Sections 101 through 108, chapter VI, pages 204 and 205,
Laws of 1873;
- (21) Section 2, page 205, Laws of 1877;
- (22) Sections 902 through 906, and 909 through 912, chapter
LXXIII, Code of 1881;
- (23) Section 2679, chapter CCIX, Code of 1881;
- (24) Sections 3050 through 3054, chapter CCXXXVIII, Code of
1881;
- (25) Sections 3055 through 3059, and 3061, chapter CCXXXIX,
Code of 1881;
- (26) Section 3064, chapter CCXL, Code of 1881;
- (27) Sections 3067 through 3075, chapter CCXLI, Code of 1881;
- (28) Sections 3076 through 3081, 3083 and 3085 through 3087,
chapter CCXLII, Code of 1881;
- (29) Sections 3088 through 3104, chapter CCXLIII, Code of 1881;
- (30) Sections 3105 through 3123, chapter CCXLIII, Code of 1881;
- (31) Section 3124, chapter CCXLIII, Code of 1881;
- (32) Sections 3140 through 3149, 3151 and 3152, chapter CCXLIV,
Code of 1881;
- (33) Sections 1, 2 and 4, pages 128 and 129, Laws of 1885-86;
- (34) Sections 1, 7 through 10, 12, 14 through 25, and 27 through
35, pages 400 through 413, Laws of 1889;
- (35) Chapter 106, Laws of 1891;
- (36) Sections 1, 3 and 4, chapter 148, Laws of 1891;
- (37) Chapter 91, Laws of 1893;
- (38) Section 2, chapter 112, Laws of 1893;
- (39) Chapter 114, Laws of 1893;
- (40) Chapter 115, Laws of 1893;
- (41) Chapter 20, Laws of 1895;
- (42) Sections 1 and 2, and 4 through 12, chapter 156, Laws of 1895;
- (43) Chapter 89, Laws of 1901;
- (44) Chapter 142, Laws of 1901;
- (45) Chapter 85, Laws of 1903;
- (46) Chapter 39, Laws of 1905;
- (47) Chapter 130, Laws of 1907;

- (48) Sections 1 through 17, 19 through 27, 30, 32 through 35, 38 and 39, chapter 209, Laws of 1907;
- (49) Chapter 235, Laws of 1907;
- (50) Chapter 22, Laws of 1909;
- (51) Sections 1 through 6, and 9 through 13, chapter 82, Laws of 1909;
- (52) Chapter 25, Laws of 1909 extraordinary session;
- (53) Chapter 89, Laws of 1911;
- (54) Chapter 101, Laws of 1911;
- (55) Sections 7, 8 and 9, chapter 116, Laws of 1911;
- (56) Chapter 58, Laws of 1913;
- (57) Chapter 135, Laws of 1913;
- (58) Sections 1 through 7, 9, 11 through 27, and 29 through 33, chapter 138, Laws of 1913;
- (59) Chapter 146, Laws of 1913;
- (60) Chapter 11, Laws of 1915;
- (61) Chapter 60, Laws of 1915;
- (62) Chapter 114, Laws of 1915;
- (63) Chapter 124, Laws of 1915;
- (64) Sections 5 through 7, chapter 189, Laws of 1915;
- (65) Chapter 7, Laws of 1917;
- (66) Chapter 23, Laws of 1917;
- (67) Chapter 30, Laws of 1917;
- (68) Sections 1 and 2, chapter 71, Laws of 1917;
- (69) Sections 5 and 7, chapter 159, Laws of 1917;
- (70) Chapter 85, Laws of 1919;
- (71) Sections 13 through 18, 20, 21, 23 and 24, chapter 163, Laws of 1919;
- (72) Section 11, chapter 7, Laws of 1921;
- (73) Chapter 33, Laws of 1921;
- (74) Sections 1 through 4, 6 and 7, chapter 61, Laws of 1921;
- (75) Chapter 68, Laws of 1921;
- (76) Chapter 116, Laws of 1921;
- (77) Sections 1, 2, 4 and 5, chapter 170, Laws of 1921;
- (78) Section 1, chapter 177, Laws of 1921;
- (79) Sections 1, 2 and 4 through 8, chapter 178, Laws of 1921;
- (80) Sections 1, 2, 4, and 5, chapter 53, Laws of 1923;
- (81) Chapter 68, Laws of 1925 extraordinary session;
- (82) Chapter 158, Laws of 1925 extraordinary session;
- (83) Section 1, chapter 155, Laws of 1927;
- (84) Chapter 182, Laws of 1927;
- (85) Chapter 200, Laws of 1927;
- (86) Sections 1 and 3, chapter 279, Laws of 1927;
- (87) Chapter 130, Laws of 1929;
- (88) Chapter 14, Laws of 1931;
- (89) Sections 3, 4, 5 and 7, chapter 28, Laws of 1931;

- (90) Chapter 21, Laws of 1933;
- (91) Sections 1 through 6, and 8 through 30, chapter 1, Laws of 1933;
- (92) Sections 1 and 2, chapter 85, Laws of 1933;
- (93) Section 1, chapter 92, Laws of 1933;
- (94) Chapter 95, Laws of 1933;
- (95) Sections 1 through 4, chapter 144, Laws of 1933;
- (96) Chapter 181, Laws of 1933;
- (97) Sections 1 through 5, chapter 41, Laws of 1933 extraordinary session;
- (98) Sections 1 through 6, chapter 20, Laws of 1935;
- (99) Sections 1 through 4, chapter 26, Laws of 1935;
- (100) Chapter 85, Laws of 1935;
- (101) Chapter 100, Laws of 1935;
- (102) Chapter 108, Laws of 1935;
- (103) Section 2, chapter 165, Laws of 1935;
- (104) Sections 1 through 10, chapter 94, Laws of 1937;
- (105) Chapter 1, Laws of 1939;
- (106) Chapter 15, Laws of 1939;
- (107) Chapter 48, Laws of 1939;
- (108) Chapter 82, Laws of 1939;
- (109) Sections 1, 2, 3 and 5, chapter 10, Laws of 1943;
- (110) Section 2, chapter 25, Laws of 1943;
- (111) Chapter 72, Laws of 1943;
- (112) Chapter 178, Laws of 1943;
- (113) Chapter 198, Laws of 1943;
- (114) Chapter 30, Laws of 1945;
- (115) Chapter 74, Laws of 1945;
- (116) Chapter 90, Laws of 1945;
- (117) Section 1, chapter 95, Laws of 1945;
- (118) Chapter 186, Laws of 1945;
- (119) Section 5, chapter 194, Laws of 1945;
- (120) Chapter 35, Laws of 1947;
- (121) Sections 1 through 5, chapter 68, Laws of 1947;
- (122) Chapter 77, Laws of 1947;
- (123) Sections 1 and 3, chapter 182, Laws of 1947;
- (124) Sections 1 through 5, chapter 234, Laws of 1947;
- (125) Chapter 161, Laws of 1949;
- (126) Chapter 163, Laws of 1949;
- (127) Chapter 8, Laws of 1950 extraordinary session;
- (128) Chapter 14, Laws of 1950 extraordinary session;
- (129) Chapter 67, Laws of 1951;
- (130) Chapter 70, Laws of 1951;
- (131) Sections 1 through 8, chapter 101, Laws of 1951;
- (132) Chapter 123, Laws of 1951;
- (133) Chapter 193, Laws of 1951;

- (134) Chapter 208, Laws of 1951;
- (135) Chapter 250, Laws of 1951;
- (136) Sections 3 through 7, chapter 257, Laws of 1951;
- (137) Chapter 113, Laws of 1953;
- (138) Chapter 196, Laws of 1953;
- (139) Chapter 242, Laws of 1953;
- (140) Chapter 4, Laws of 1955;
- (141) Chapter 50, Laws of 1955;
- (142) Sections 3, 13 and 14, chapter 55, Laws of 1955;
- (143) Chapter 101, Laws of 1955;
- (144) Sections 1 through 8, chapter 102, Laws of 1955;
- (145) Chapter 103, Laws of 1955;
- (146) Chapter 148, Laws of 1955;
- (147) Chapter 151, Laws of 1955;
- (148) Section 1, chapter 153, Laws of 1955;
- (149) Chapter 167, Laws of 1955;
- (150) Chapter 168, Laws of 1955;
- (151) Chapter 169, Laws of 1955;
- (152) Chapter 181, Laws of 1955;
- (153) Chapter 201, Laws of 1955;
- (154) Chapter 215, Laws of 1955;
- (155) Chapter 317, Laws of 1955;
- (156) Chapter 323, Laws of 1955;
- (157) Sections 2 through 7, chapter 149, Laws of 1957;
- (158) Chapter 169, Laws of 1957;
- (159) Chapter 195, Laws of 1957;
- (160) Chapter 251, Laws of 1957;
- (161) Chapter 112, Laws of 1959;
- (162) Section 7, chapter 175, Laws of 1959;
- (163) Chapter 247, Laws of 1959;
- (164) Chapter 250, Laws of 1959;
- (165) Sections 1 through 3, chapter 288, Laws of 1959;
- (166) Sections 1 through 13, and 18 through 26, chapter 329, Laws of 1959;
- (167) Chapter 32, Laws of 1961;
- (168) Chapter 43, Laws of 1961;
- (169) Chapter 50, Laws of 1961;
- (170) Chapter 78, Laws of 1961;
- (171) Chapter 109, Laws of 1961;
- (172) Sections 1 through 21, chapter 130, Laws of 1961;
- (173) Chapter 176, Laws of 1961;
- (174) Chapter 225, Laws of 1961;
- (175) Chapter 252, Laws of 1961;
- (176) Chapter 189, Laws of 1963;
- (177) Sections 1 through 11, and 22 through 25, chapter 200, Laws of 1963;

(178) Sections 1 through 5, and 7, chapter 23, Laws of 1963 extraordinary session;

(179) Chapter 25, Laws of 1963 extraordinary session.

Such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder.

29.98.050 Emergency. 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 3, 1965.

Passed the House March 4, 1965.

Approved by the Governor March 5, 1965.

**TITLE 29
ELECTIONS**

Explanatory
note.

EXPLANATORY NOTE

I. Introductory

(1) As a part of the program to restore session law language to the Revised Code of Washington, the code reviser's office and codifications subcommittee of the Statute Law Committee have carefully examined the provisions of Title 29. Pursuant to such study it was determined that the confused statutory history of the subject matter contained therein, the division and combining of session law sections by the 1941 Code Committee to create the present Title 29, and the subsequent ratification by the legislature of parts of the title by the amendment of many of the RCW sections, have all combined to make any general restoration of the session law text an impossibility. In view of the foregoing and in view of the fact that the present RCW Title 29 has been in use for a period of fourteen years, the codifications subcommittee of the Statute Law Committee, after submitting the study and work materials relating to this title to the Secretary of State's (Chief Elections Officer) office and other interested persons, and conferring with such representatives thereof as attended the meetings held for the purpose of considering the provisions hereof, herewith presents for enactment as primary law the provisions of RCW Title 29, incorporating therein such restorations and corrections as may be made without changing the substance of the law.

(2) Respecting Chapter 29.01, the 1941 Code Committee introduced certain definitions sections to encompass in one word or phrase a repetitious or cumbersome clause which appeared throughout several election acts or to allow the use of one term where several had been used in election laws, each indicative of the same thing (i.e., measure, proposition, question). In light of the chapter's longevity and subsequent amendatory (as well as new) sections utilizing these definitions we have accepted the same for reenactment purposes, implementing the chapter with the usual "scope of definitions" section (RCW 29.01.005 herein).

(3) Upon reexamination of the contents of RCW sections 29.79.3502 through 29.79.430 encompassing the law relating to a voter's pamphlet and heretofore a part of chapter 29.79, Initiative and Referendum, the

Explanatory note.

codifications subcommittee of the Statute Law Committee determined that said sections would better serve the Code as a separate chapter of Title 29 and thus appear for reenactment purposes in a new chapter, 29.81, Voter's Pamphlet. Session law use of "this act" or "this chapter" have been translated in both the old and new chapters to reflect this reenactment change.

(4) Except as otherwise noted the translation of the term "this act" into "this chapter", and other similar translations which appear in the 1941 revision have been accepted without comment.

The remainder of these notes consist of source notes and a section by section comment regarding this reenactment. The complete study materials relating to this title are on permanent file in the office of the code reviser, at Olympla.

II. Section Comment

Chapter 29.01 Definitions

- 29.01.005 Source—[New section.]
- 29.01.010 Source—[Added by (1941) reviser to eliminate repetition of "city clerk", "city auditor" or "city controller" or "controller", as the case may be.]
- 29.01.020 Source—[Added by (1941) reviser to eliminate repetition of "city council, city commission or other governing body of a city".]
- 29.01.030 Source—[1957 c 251 § 2. Prior: 1939 c 15 § 1, part; 1933 c 1 § 3, part; RRS § 5114-3, part; prior: 1891 c 104 §§ 1, part, 2, part; RRS §§ 5116, part, 5117, part.]
- 29.01.040 Source—[Added by (1941) reviser to express the idea of a body of voters, whether a state, a legislative district, a congressional district, school district, water district, etc., especially those embracing more than one county, to avoid having to repeat a long list each time.]
- 29.01.050 Source—[1907 c 209 § 1, part; RRS § 5177(c). See also 1950 ex.s. c 14 § 3.]
- (1) Other parts codified in 29.01.130 and 29.01.160.
- (2) Section amendment by 1915 c 52 § 1 rejected on referendum leaving in force prior law.
- (3) Session law part omitted by 1941 reviser utilized in introductory section to this chapter's definitions (see 29.01.005 above); session law part will be history note reference thereto.
- 29.01.060 Source—[Added by (1941) reviser to eliminate necessity of enumerating various officers.]
- 29.01.070 Source—[Added by (1941) reviser; taken from *Robb v. Tacoma*, 175 Wash. 580, at the bottom of page 593.]
- 29.01.080 Source—[Code 1881 § 3054; 1865 p 25 § 5; RRS § 5113.]
- 29.01.090 Source—[1907 c 209 § 6, part; RRS § 5183, part.]
- (1) Other part codified as 29.18.020.
- 29.01.100 Source—[1955 c 102 § 8. Prior: 1907 c 209 § 26, part; RRS § 5203, part.]
- 29.01.110 Source—[Added by (1941) revisers; the words "measure", "proposition" and "question" have been used indiscriminately and the reviser has selected the word "measure" to represent them.]
- 29.01.120 Source—[1933 c 1 § 2; RRS § 5114-2. Prior: 1915 c 16 § 1; RRS § 5114.]
- (1) Session law defined precinct for purposes of "this act", the 1933 voter registration act; it is herein made applicable to Title 29 generally.
- 29.01.130 Source—[1907 c 209 § 1, part; RRS § 5177(a). See also 1950 ex.s. c 14 § 2.]
- (1) See 29.01.050 (1), (2), and (3) above.

- 29.01.140 Source—[1955 c 181 § 1. Prior: (i) Code 1881 § 3051; 1865 p 25 § 2; RRS § 5110. (ii) Code 1881 § 3053; 1866 p 8 § 11; 1865 p 65 § 4; RRS § 5111.] Explanatory note.
 (1) Reenactment publication to carry cross-reference to state Constitution, Art. 6, sec. 4, "Residence, contingencies affecting."
- 29.01.150 Source—[1957 c 251 § 3. Prior: 1939 c 15 § 1, part; 1933 c 1 § 3, part; RRS § 5114-3, part; prior: 1891 c 104 §§ 1, part, 2, part; RRS §§ 5116, part, 5117, part.]
- 29.01.160 Source—[1907 c 209 § 1, part; RRS § 5177(b).]
 (1) See 29.01.050 (1), (2), and (3) above.
- 29.01.170 Source—[Code 1881 § 3056; 1865 p 27 § 2; RRS § 5155.]
 (1) RCW text revised by omitting "for electing candidates to public office", thus encompassing also the vote upon measures and complementing the definition of "general election" contained in 29.01.070.

Chapter 29.04 General Provisions

- 29.04.010 Source—[1955 c 181 § 8. Prior: (i) 1933 c 1 § 22, part; RRS § 5114-22, part. (ii) 1933 c 1 § 23; RRS § 5114-23. See also 1935 c 26 § 3; RRS § 5189.]
 (1) See 29.51.090(1) below.
- 29.04.020 Source—[1947 c 182 § 1, part; Rem. Supp. 1947 § 5166-10, part. Prior: 1945 c 164 § 3, part; 1941 c 180 § 1, part; 1935 c 5 § 1, part; 1933 ex.s. c 29 § 1, part; prior: 1933 c 79 § 1, part; 1927 c 279 § 2, part; 1923 c 53 § 3, part; 1921 c 61 § 5, part; Rem. Supp. 1945 § 5147, part.]
 (1) Other part codified in 29.45.010.
 (2) RCW use of "elections" restored to "elections, general or special".
- 29.04.030 Source—[(i) 1907 c 209 § 25, part; RRS § 5202, part. (ii) 1889 p 407 § 19; RRS § 5276.]
 (1) Other part of 1907 c 209 § 25 codified as 29.65.130.
- 29.04.040 Source—[(i) 1921 c 178 § 1, part; 1915 c 11 § 1, part; 1907 c 130 § 1, part; 1889 p 402 § 7, part; Code 1881 § 3067, part; 1865 p 30 § 1, part; RRS § 5171, part. (ii) 1907 c 130 § 2, part; 1889 p 408 § 21, part; RRS § 5278, part. (iii) Code 1881 § 2679; 1854 p 65 § 4, part; No RRS.]
 (1) Other parts of 1921 c 178 § 1 are codified as 29.04.050 and 29.27.090.
 (2) Other part of 1907 c 130 § 2 codified as 29.48.010.
 (3) RCW omission from 1921 c 178 § 1 restored to encompass the possibility of a future change in the number of counties, as follows: "The board of county commissioners of each county in the state hereafter formed shall, at their first session, divide their respective counties into election precincts with two hundred fifty voters or less and establish the boundaries of the same; the county auditor shall thereupon designate the voting place for each such precinct."
- 29.04.050 Source—[1921 c 178 § 1, part; 1915 c 11 § 1, part; 1907 c 130 § 1, part; 1889 p 402 § 7, part; Code 1881 § 3067, part; 1865 p 30 § 1, part; RRS § 5171, part.]
 (1) Other parts codified in 29.04.040 and as 29.27.090.
- 29.04.055 Source—[1963 c 200 § 23; 1951 c 70 § 1.]
- 29.04.060 Source—[(1) 1907 c 209 § 16; RRS § 5193. (ii) 1889 p 413 § 34; RRS § 5299.]
- 29.04.070 Source—[1963 c 200 § 23; 1949 c 161 § 12; Rem. Supp. 1949 § 5147-2.]
- 29.04.080 Source—[1963 c 200 § 24; 1949 c 161 § 13; Rem. Supp. 1949 § 5147-3.]

Explanatory
note.

Chapter 29.07 Registration of Voters

- 29.07.010 Source—[1957 c 251 § 4. Prior: 1939 c 15 § 1, part; 1933 c 1 § 3, part; RRS § 5114-3, part; prior: 1891 c 104 §§ 1, part, 2, part; RRS §§ 5116, part, 5117, part.]
- 29.07.020 Source—[1957 c 251 § 5. Prior: 1939 c 15 § 1, part; 1933 c 1 § 3, part; RRS § 5114-3, part; prior: 1891 c 104 §§ 1, part, 2, part; RRS §§ 5116, part, 5117, part.]
- 29.07.030 Source—[1939 c 82 § 1, part; 1933 c 1 § 4, part; RRS § 5114-4, part. Prior: 1891 c 104 § 4; RRS § 5119.]
(1) Other parts codified as 29.07.050 and in 29.07.060.
- 29.07.040 Source—[1957 c 251 § 7. Prior: (i) 1945 c 74 § 1; 1933 c 1 § 28; Rem. Supp. 1945 § 5114-28; prior: 1915 c 16 § 14; RRS § 5132. (ii) 1933 c 1 § 10, part; RRS § 5114-10, part; prior: 1919 c 163 § 11, part; 1915 c 16 § 13, part; 1905 c 171 § 4, part; 1889 p 417 § 13, part; RRS § 5131, part.]
- 29.07.050 Source—[1939 c 82 § 1, part; 1933 c 1 § 4, part; RRS § 5114-4, part.]
(1) Other parts codified as 29.07.030 and in 29.07.060.
- 29.07.060 Source—[(i) 1939 c 82 § 1, part; 1933 c 1 § 4, part; RRS § 5114-4, part. (ii) 1947 c 68 § 3, part; 1933 c 1 § 11, part; Rem. Supp. 1947 § 5114-11, part; prior: 1921 c 177 § 7, part; 1915 c 16 § 8, part; 1901 c 135 § 4, part; 1893 c 45 § 3, part; 1889 p 416 § 8, part; RRS § 5126, part.]
(1) Other parts of 1939 c 82 § 1 codified as 29.07.030 and 29.07.050.
(2) Other part of 1947 c 68 § 3 codified as 29.07.070.
- 29.07.070 Source—[1947 c 68 § 3, part; 1933 c 1 § 11, part; Rem. Supp. 1947 § 5114-11, part. Prior: 1921 c 177 § 7, part; 1915 c 16 § 8, part; 1901 c 135 § 4, part; 1893 c 45 § 3, part; 1889 p 416 § 8, part; RRS § 5126, part.]
(1) Other part codified in 29.07.060.
- 29.07.080 Source—[1933 c 1 § 12; RRS § 5114-12.]
(1) Session law text “otherwise the registration officer shall refuse to register the applicant” restored.
- 29.07.090 Source—[1933 c 1 § 13, part; RRS § 5114-13, part.]
(1) Other parts codified as 29.07.120, 29.07.130, 29.10.100 and in 29.07.140.
- 29.07.095 Source—[1957 c 251 § 13.]
- 29.07.100 Source—[1957 c 251 § 10. Prior: 1947 c 68 § 1, part; 1945 c 95 § 1, part; 1933 c 1 § 6, part; Rem. Supp. 1947 § 5114-6, part; prior: 1919 c 163 § 6, part; 1915 c 16 § 6, part; 1901 c 35 § 5, part; 1893 c 45 § 1, part; 1889 p 415 § 6, part; RRS § 5124, part.]
- 29.07.105 Source—[1957 c 251 § 12.]
- 29.07.110 Source—[1957 c 251 § 11. Prior: 1947 c 68 § 1, part; 1945 c 95 § 1, part; 1933 c 1 § 6, part; Rem. Supp. 1947 § 5114-6, part; prior: 1919 c 163 § 6, part; 1915 c 16 § 6, part; 1901 c 135 § 5, part; 1893 c 45 § 1, part; 1889 p 415 § 6, part; RRS § 5124, part.]
- 29.07.120 Source—[1933 c 1 § 13, part; RRS § 5114-13, part.]
(1) Other parts codified as 29.07.090, 29.07.130, 29.10.100 and in 29.07.140.
(2) “Saturday” changed to “Monday”, “current week” changed to “prior week” to reflect present practice of weekend closure of county offices.
- 29.07.130 Source—[1933 c 1 § 13, part; RRS § 5114-13, part.]
(1) Other parts codified as 29.07.090, 29.07.120, 29.10.100 and in 29.07.140.
- 29.07.140 Source—[(i) 1933 c 1 § 30; RRS § 5114-30. (ii) 1933 c 1 § 13, part; RRS § 5114-13, part.]
(1) Other parts of 1933 c 1 § 13 codified as 29.07.090, 29.07.120, 29.07.130 and 29.10.100.
(2) Certain RCW phrases restored to session law language as follows:

- (a) "The state auditor . . ." to "The state auditor through the division of municipal corporations . . ."
- (b) ". . . the specifications for the cards, records, binders . . ." to ". . . the specifications, including style, form, color, quality and dimensions, for the cards, records, forms, binders . . ."
- (c) ". . . they must comply . . ." to ". . . they must in their procurement and use comply . . ."
- 29.07.150 Source—[1933 c 1 § 8, part; RRS § 5114-8, part. Prior: 1919 c 163 § 7, part; 1915 c 16 § 7, part; 1905 c 171 § 3, part; 1901 c 135 § 3, part; 1893 c 45 § 2, part; 1889 p 415 § 7, part; RRS § 5125, part.]
- (1) Other part codified as 29.07.180.
- 29.07.160 Source—[1947 c 68 § 2; 1933 c 1 § 9; Rem. Supp. 1947 § 5114-9.]
- 29.07.170 Source—[1957 c 251 § 8. Prior: 1933 c 1 § 10, part; RRS § 5114-10, part; prior: 1919 c 163 § 11, part; 1915 c 16 § 13, part; 1905 c 171 § 4, part; 1889 p 417 § 13, part; RRS § 5131, part.] History source to 29.48.030.
- 29.07.180 Source—[1933 c 1 § 8, part; RRS § 5114-8, part. Prior: 1919 c 163 § 7, part; 1915 c 16 § 7, part; 1905 c 171 § 3, part; 1901 c 135 § 3, part; 1893 c 45 § 2, part; 1889 p 415 § 7, part; RRS § 5125, part.]
- (1) Other part codified as 29.07.150.
- (2) Phrase "such officers" in last sentence changed to "county auditor or city clerk" to clarify which of two groups of officers mentioned in first sentence is meant.
- Chapter 29.10 Registration Transfers and Cancellations**
- 29.10.010 Source—[1955 c 181 § 3. Prior: 1933 c 1 § 14, part; RRS § 5114-14, part; prior: 1919 c 163 § 9, part; 1915 c 16 § 9, part; 1889 p 417 § 12, part; RRS § 5129, part.]
- 29.10.020 Source—[1955 c 181 § 4. Prior: 1933 c 1 § 14, part; RRS § 5114-14, part; prior: 1919 c 163 § 9, part; 1915 c 16 § 9, part; 1889 p 417 § 12, part; RRS § 5129, part.]
- 29.10.030 Source—[1955 c 181 § 5. Prior: 1933 c 1 § 14, part; RRS § 5114-14, part; prior: 1919 c 163 § 9, part; 1915 c 16 § 9, part; 1889 p 417 § 12, part; RRS § 5129, part.]
- 29.10.040 Source—[1933 c 1 § 15; RRS § 5114-15.]
- 29.10.050 Source—[1947 c 68 § 4; 1933 c 1 § 16; Rem. Supp. 1947 § 5114-16.]
- 29.10.060 Source—[1933 c 1 § 17; RRS § 5114-17.]
- (1) RCW phrase ". . . precincts are changed . . ." restored to "precincts are changed in the manner provided by law . . ."; session law content.
- (2) RCW phrase ". . . boundaries of any city or rural precinct . . ." changed to ". . . boundaries of any city, township, or rural precinct . . ." to reflect session law content.
- (3) RCW phrase ". . . city clerk or county auditor . . ." changed to ". . . city clerk, town clerk, or county auditor . . ." to reflect session law content.
- 29.10.070 Source—[1933 c 1 § 18; RRS § 5114-18.]
- 29.10.080 Source—[1945 c 30 § 1; 1933 c 1 § 19; Rem. Supp. 1945 § 5114-19.]
- (1) RCW phrase ". . . every city clerk and every county auditor . . ." changed to ". . . every city clerk, town clerk, and every county auditor . . ." to reflect session law content.
- 29.10.090 Source—[1961 c 32 § 1; 1933 c 1 § 20; RRS § 5114-20.]
- 29.10.095 Source—[1951 c 250 § 1.]
- 29.10.100 Source—[1933 c 1 § 13, part; RRS § 5114-13, part.]
- (1) Other parts codified as 29.07.090, 29.07.120, 29.07.130 and in 29.07.140.

Explanatory
note.

- (2) "Saturday" changed to "Monday", "current week" changed to "prior week", to reflect present practice of week-end closure of county offices.
- 29.10.110 Source—[1961 c 32 § 2; 1947 c 68 § 5; 1933 c 1 § 21; Rem. Supp. 1947 § 5114-21.]
- 29.10.120 Source—[1951 c 208 § 1.]

Chapter 29.13 Times for Holding Elections and Primaries

- 29.13.010 Source—[1955 c 151 § 1. Prior: (i) 1923 c 53 § 1; 1921 c 61 § 1; RRS § 5143. (ii) 1921 c 61 § 3; RRS § 5145.]
- 29.13.015 Source—[New section.]
(1) Section added to avoid translation into RCW sections of twenty-five section act, 1963 c 200, where "this 1963 amendatory act" used in RCW sections of this chapter.
- 29.13.020 Source—[1963 c 200 § 1; 1955 c 55 § 1; 1951 c 101 § 1; 1949 c 161 § 1; 1927 c 182 § 1; 1923 c 53 § 2; 1921 c 61 § 2; Rem. Supp. 1949 § 5144.]
(1) "this 1963 amendatory act" changed to "the 1963 elections act" (see 29.13.015 above).
- 29.13.021 Source—[1963 c 200 § 4.]
(1) "this 1963 amendatory act" changed to "the 1963 elections act" (see 29.13.015 above).
- 29.13.023 Source—[1963 c 200 § 2; 1957 c 168 § 1.]
- 29.13.024 Source—[1963 c 200 § 3; 1957 c 168 § 2.]
- 29.13.025 Source—[1951 c 101 § 8.]
- 29.13.030 Source—[1963 c 200 § 5; 1955 c 55 § 2; 1951 c 257 § 3; 1951 c 101 § 2; 1949 c 161 § 2; 1927 c 279 § 1; 1921 c 170 § 1; Rem. Supp. 1949 § 5150.]
(1) "this 1963 amendatory act" changed to "the 1963 elections act" (see 29.13.015 above).
- 29.13.040 Source—[1963 c 200 § 6; 1955 c 55 § 3; 1951 c 257 § 4; 1951 c 101 § 4; 1949 c 161 § 5; Rem. Supp. 1949 § 5153-1.]
- 29.13.045 Source—[1963 c 200 § 7; 1951 c 257 § 5.]
- 29.13.050 Source—[1963 c 200 § 8; 1959 c 86 § 1. Prior: 1951 c 257 § 6; (i) 1949 c 161 § 9; Rem. Supp. 1949 § 5146-1. (ii) 1949 c 163 § 1; 1921 c 61 § 4; Rem. Supp. 1949 § 5146.]
(1) "this amendatory act" changed to "the 1963 elections act" (see 29.13.015 above).
- 29.13.060 Source—[1963 c 200 § 9; 1943 c 10 § 1; Rem. Supp. 1943 § 4810-1.]
- 29.13.070 Source—[1963 c 200 § 25; 1907 c 209 § 3; RRS § 5179.]
- 29.13.080 Source—[(i) 1921 c 61 § 7; RRS § 5149. (ii) 1921 c 170 § 5; RRS § 5154. (iii) 1921 c 178 § 7; 1907 c 235 § 1; 1889 p 413 § 35; RRS § 5319. (iv) 1919 c 163 § 16, part; 1907 c 209 § 17, part; RRS § 5194, part.]
(1) Other parts of 1919 c 163 § 16 codified as 29.51.240 and 29.51.250.

Chapter 29.18 Partisan Primaries

- 29.18.010 Source—[1911 c 101 § 2; 1909 c 82 § 1; 1907 c 209 § 2; RRS § 5178.]
(1) "(6) In first, second and third class cities holding elections under RCW 29.21.010." added under chapter exclusions to incorporate later law, 1951 c 257 § 7.
- 29.18.020 Source—[1907 c 209 § 6, part; RRS § 5183, part.]
(1) Other part codified as 29.01.090.
- 29.18.030 Source—[1959 c 250 § 1; 1947 c 234 § 1; 1933 c 95 § 1; 1907 c 209 § 4; Rem. Supp. 1947 § 5180.]
- 29.18.035 Source—[1955 c 169 § 1.]
- 29.18.040 Source—[1907 c 209 § 7; RRS § 5184.]
- 29.18.050 Source—[1909 c 82 § 2; 1907 c 209 § 5; RRS § 5182.]

- 29.18.060 Source—[1955 c 103 § 1; 1943 c 198 § 1; Rem. Supp. 1943 § 5213-10.] Explanatory note.
- 29.18.070 Source—[(i) 1943 c 198 § 2; Rem. Supp. 1943 § 5213-11. (ii) 1943 c 198 § 3; Rem. Supp. 1943 § 5213-12.]
- 29.18.080 Source—[1943 c 198 § 6; Rem. Supp. 1943 § 5213-15.]
- 29.18.090 Source—[1943 c 198 § 4; Rem. Supp. 1943 § 5213-13.]
(1) "candidacy of any person who has filed for the same office as provided in RCW 29.18.060 and 29.18.070", restored for RCW language "candidacy for the same office of a person whose name is the same or similar to his".
- 29.18.100 Source—[1943 c 198 § 5; Rem .Supp. 1943 § 5213-14.]
(1) "enforcement of RCW 29.18.060 through 29.18.100" restored for RCW language "duplication of names of candidates for the same office".
- 29.18.110 Source—[1963 c 189 § 1; 1961 c 130 § 16. Prior: (i) 1919 c 163 § 18, part; 1907 c 209 § 23, part; RRS § 5199, part. (ii) 1933 c 21 § 1, part; 1919 c 163 § 24, part; RRS § 5200, part.]
- 29.18.120 Source—[(i) 1907 c 209 § 14; RRS § 5191. (ii) 1921 c 178 § 5; 1907 c 209 § 21; RRS § 5197. (iii) 1909 c 82 § 10; 1907 c 209 § 33; RRS § 5208.]
- 29.18.140 Source—[1909 c 82 § 9; 1907 c 209 § 30; RRS § 5206.]
- 29.18.150 Source—[1961 c 130 § 17. Prior: (i) 1933 c 21 § 1, part; 1919 c 163 § 24, part; RRS § 5200, part. (ii) 1889 p 404 § 12; RRS § 5176.]
- 29.18.200 Source—[1935 c 26 § 5, part; No RRS.]
This new section is taken from 1935 c 26 § 5, a general repealer section, heretofore uncodified, but which set out therein the purpose of the 1935 act (Initiative Measure No. 2) which provided for a blanket primary.

Chapter 29.21 Nonpartisan Primaries and Elections

- 29.21.010 Source—[1951 c 257 § 7; 1949 c 161 § 3; Rem. Supp. 1949 § 5179-1.]
(1) "four weeks prior to the municipal general election", and "four weeks prior to their city general elections" changed to "as provided in RCW 29.13.070" to conform to latest law setting time for primaries.
- 29.21.015 Source—[1955 c 101 § 2; 1955 c 4 § 1.]
- 29.21.017 Source—[1961 c 109 § 1.]
- 29.21.020 Source—[(i) 1939 c 1 § 2, part; RRS § 5274-2, part. FORMER PART OF SECTION: 1947 c 234 § 1, part; 1933 c 95 § 1, part; 1915 c 52 § 2, part; 1907 c 209 § 4, part; Rem. Supp. 1947 § 5180, part, now codified in 29.18.030.]
(1) Other parts codified as 29.21.085, and in 29.21.080, 29.21.090, 29.21.100 and 29.21.150.
(2) Since this chapter carries statutory provisions relating to declarations of candidacy differing from those for partisan elections we have prefaced RCW section "Except as otherwise in this chapter provided" and made last clause in section into a proviso.
- 29.21.030 Source—[1943 c 25 § 2, part; 1911 c 116 § 7, part; Rem. Supp. 1943 § 9096, part.]
(1) Other parts codified as 29.21.040, 29.21.050, 29.21.130 and 29.62.140 and in 29.21.090 and 29.21.150.
(2) "not less than forty-five nor more than sixty days prior to the primary election" changed to "in accordance with the time period prescribed in RCW 29.21.060" to conform with latest law.
- 29.21.040 Source—[1943 c 25 § 2, part; 1911 c 116 § 7, part; Rem. Supp. 1943 § 9096, part.]
(1) Other parts codified as 29.21.030, 29.21.050, 29.21.130 and 29.62.140 and in 29.21.090 and 29.21.150.

- Explanatory note.**
- 29.21.050 Source—[1943 c 25 § 2, part; 1911 c 116 § 7, part; Rem. Supp. 1943 § 9096, part.]
 (1) Other parts codified as 29.21.030, 29.21.040, 29.21.130 and 29.62.140 and in 29.21.090 and 29.21.150.
- 29.21.060 Source—[1963 c 200 § 10; 1959 c 247 § 2; 1959 c 175 § 7; 1951 c 101 § 5; 1949 c 161 § 6; 1947 c 234 § 3; 1945 c 194 § 5; Rem. Supp. 1949 § 5166-4.]
- 29.21.070 Source—[(i) 1927 c 155 § 1, part; 1925 ex.s. c 68 § 1, part; 1921 c 116 § 1, part; 1919 c 85 § 1, part; 1911 c 101 § 1, part; 1909 c 82 § 11, part; 1907 c 209 § 38, part; RRS § 5212, part. (ii) 1933 c 85 § 1, part; RRS § 5213-1, part.]
 (1) Other parts of 1927 c 155 § 1 codified as 29.21.110 and in 29.21.090, 29.21.100, 29.21.120, 29.21.140 and 29.21.150.
 (2) Other parts of 1933 c 85 § 1 codified as 29.21.160 and 29.21.170 and in 29.21.090, 29.21.100, 29.21.120, 29.21.140 and 29.21.150.
- 29.21.080 Source—[(i) 1939 c 1 § 1; RRS § 5274-1. (ii) 1939 c 1 § 2, part; RRS § 5274-2, part.]
 (1) Other parts of 1939 c 1 § 2 codified as 29.21.020 and in 29.21.090, 29.21.100 and 29.21.150 and as 29.21.085.
 (2) Second paragraph changed to: "Offices relative to the administration of the public schools, including the office of school director, shall be nonpartisan." This restores substantive content of 1939 c 1 § 1.
- 29.21.085 Source—[1939 c 1 § 2, part; RRS § 5274-2, part.]
 (1) This new section restores the last proviso of 1939 c 1 § 2 (for other parts see 29.21.020(1)).
- 29.21.090 Source—[(i) 1927 c 155 § 1, part; 1925 ex.s. c 68 § 1, part; 1921 c 116 § 1, part; 1919 c 85 § 1, part; 1911 c 101 § 1, part; 1909 c 82 § 11, part; 1907 c 209 § 38, part; RRS § 5212, part. (ii) 1933 c 85 § 1, part; RRS § 5213-1, part. (iii) 1939 c 1 § 2, part; RRS § 5274-2, part. (iv) 1943 c 25 § 2, part; 1911 c 116 § 7, part; Rem. Supp. 1943 § 9096, part.]
 (1) Other parts of 1927 c 155 codified as 29.21.110 and in 29.21.070, 29.21.100, 29.21.120, 29.21.140 and 29.21.150.
 (2) Other parts of 1933 c 85 § 1 codified as 29.21.160 and 29.21.170 and in 29.21.070, 29.21.100, 29.21.120, 29.21.140 and 29.21.150.
 (3) Other parts of 1939 c 1 § 2 codified as 29.21.020 and 29.21.085 and in 29.21.080, 29.21.100, and 29.21.150.
 (4) Other parts of 1943 c 25 § 2 codified as 29.21.030, 29.21.040, 29.21.050, 29.21.130 and 29.62.140 and in 29.21.150.
- 29.21.100 Source—[(i) 1927 c 155 § 1, part; 1925 ex.s. c 68 § 1, part; 1921 c 116 § 1, part; 1919 c 85 § 1, part; 1911 c 101 § 1, part; 1909 c 82 § 11, part; 1907 c 209 § 38, part; RRS § 5212, part. (ii) 1933 c 85 § 1, part; RRS § 5213-1, part. (iii) 1939 c 1 § 2, part; RRS § 5274-2, part.]
 (1) Other parts of 1927 c 155 § 1 codified as 29.21.110 and in 29.21.070, 29.21.090, 29.21.120, 29.21.140 and 29.21.150.
 (2) Other parts of 1933 c 85 § 1 codified as 29.21.160 and 29.21.170 and in 29.21.070, 29.21.090, 29.21.120, 29.21.140 and 29.21.150.
 (3) Other parts of 1939 c 1 § 2 codified as 29.21.020 and 29.21.085 and in 29.21.080, 29.21.090 and 29.21.150.
- 29.21.110 Source—[1927 c 155 § 1, part; 1925 ex.s. c 68 § 1, part; 1921 c 116 § 1, part; 1919 c 85 § 1, part; 1911 c 101 § 1, part; 1909 c 82 § 11, part; 1907 c 209 § 38, part; RRS § 5212, part.]
 (1) Other parts codified in 29.21.070, 29.21.090, 29.21.100, 29.21.120, 29.21.140 and 29.21.150.
- 29.21.120 Source—[(i) 1927 c 155 § 1, part; 1925 ex.s. c 68 § 1, part; 1921 c 116 § 1, part; 1919 c 85 § 1, part; 1911 c 101 § 1, part;

- 1909 c 82 § 11, part; 1907 c 209 § 38, part; RRS § 5212, part. Explanatory note.
(ii) 1933 c 85 § 1, part; RRS § 5213-1, part.]
- (1) Other parts of 1927 c 155 § 1 codified as 29.21.110 and in 29.21.070, 29.21.090, 29.21.100, 29.21.140 and 29.21.150.
(2) Other parts of 1933 c 85 § 1 codified as 29.21.160 and 29.21.170 and in 29.21.070, 29.21.090, 29.21.100, 29.21.140, 29.21.150.
- 29.21.130 Source—[1943 c 25 § 2, part; 1911 c 116 § 7, part; Rem. Supp. 1943 § 9096, part.]
(1) Other parts codified as 29.21.030, 29.21.040, 29.21.050 and 29.62.140 and in 29.21.090 and 29.21.150.
(2) "The ballots for the general election shall be in the same general form as for the primary election, so far as applicable." restored as last paragraph of RCW section.
- 29.21.140 Source—[(i) 1927 c 155 § 1, part; 1925 ex.s. c 68 § 1, part; 1921 c 116 § 1, part; 1919 c 85 § 1, part; 1911 c 101 § 1, part; 1909 c 82 § 11, part; 1907 c 209 § 38, part; RRS § 5212, part. (ii) 1933 c 85 § 1, part; RRS § 5213, part.]
(1) Other parts of 1927 c 155 § 1 codified as 29.21.110 and in 29.21.070, 29.21.090, 29.21.100, 29.21.120 and 29.21.150.
(2) Other parts of 1933 c 85 § 1 codified as 29.21.160 and 29.21.170 and in 29.21.070, 29.21.090, 29.21.100, 29.21.120 and 29.21.150.
- 29.21.150 Source—[(i) 1939 c 1 § 2, part; RRS § 5274-2, part. (ii) 1927 c 155 § 1, part; 1925 ex.s. c 68 § 1, part; 1921 c 116 § 1, part; 1919 c 85 § 1, part; 1911 c 101 § 1, part; 1909 c 82 § 11, part; 1907 c 209 § 38, part; RRS § 5212, part. (iii) 1943 c 25 § 2, part; 1911 c 116 § 7, part; Rem. Supp. 1943 § 9096, part. (iv) 1933 c 85 § 1, part; RRS § 5213-1, part.]
(1) Other parts of 1939 c 1 § 2 codified as 29.21.020 and 29.21.085 and in 29.21.080, 29.21.090 and 29.21.100.
(2) Other parts of 1927 c 155 § 1 codified as 29.21.110 and in 29.21.070, 29.21.090, 29.21.100, 29.21.120 and 29.21.140.
(3) Other parts of 1943 c 25 § 2 codified as 29.21.030, 29.21.040, 29.21.050, 29.21.130 and 29.62.140 and in 29.21.090.
(4) Other parts of 1933 c 85 § 1 codified as 29.21.160 and 29.21.170 and in 29.21.090, 29.21.100, 29.21.120 and 29.21.140, 29.21.070.
(5) "for justices of the peace" restored to RCW section proviso; omitted, 1941 commingling of session law section parts.
- 29.21.160 Source—[1933 c 85 § 1, part; RRS § 5213-1, part.]
(1) Other parts codified as 29.21.170 and in 29.21.090, 29.21.100, 29.21.120, 29.21.140 and 29.21.150, 29.21.070.
- 29.21.170 Source—[1933 c 85 § 1, part; RRS § 5213-1, part.]
(1) Other parts codified as 29.21.160 and in 29.21.090, 29.21.100, 29.21.120, 29.21.140 and 29.21.150, 29.21.070.
- 29.21.180 Source—[1959 c 247 § 1; 1955 c 101 § 1.]
- 29.21.190 Source—[1959 c 247 § 3.]
- 29.21.200 Source—[1959 c 247 § 4.]
- 29.21.210 Source—[1959 c 247 § 5.]
- 29.21.220 Source—[1959 c 247 § 6.]
(1) "four weeks prior to the date fixed for election in RCW 29.13.030" changed to "as provided in RCW 29.13.070" to encompass latest law.
- 29.21.230 Source—[1959 c 247 § 7.]

Chapter 29.24 Nomination Other Than by Primary

- 29.24.010 Source—[1955 c 102 § 2. Prior: 1937 c 94 § 2, part; RRS § 5168, part.]
- 29.24.020 Source—[1955 c 102 § 3. Prior: (i) 1937 c 94 § 1; RRS § 5167. (ii) 1937 c 94 § 4; RRS § 5170. (iii) 1937 c 94 § 10; RRS § 5170-6. (iv) 1907 c 209 § 26, part; RRS § 5203, part.]

Explanatory note.

- 29.24.030 Source—[1955 c 102 § 4. Prior: (i) 1937 c 94 § 2, part; RRS § 5168, part. (ii) 1937 c 94 § 3; RRS § 5169.]
- 29.24.040 Source—[1955 c 102 § 5. Prior: 1937 c 94 § 5, part; RRS § 5170-1, part.]
- 29.24.050 Source—[1955 c 102 § 6. Prior: 1937 c 94 § 5, part; RRS § 5170-1, part.]
- 29.24.060 Source—[1937 c 94 § 6; RRS § 5170-2.]
- 29.24.070 Source—[1955 c 102 § 7. Prior: (i) 1937 c 94 § 7, part; RRS § 5170-3, part. (ii) 1907 c 209 § 26, part; RRS § 5203, part.]
- 29.24.080 Source—[1961 c 130 § 14. Prior: (i) 1937 c 94 § 8; RRS § 5170-4. (ii) 1950 ex.s. c 14 § 19.]
- 29.24.090 Source—[1937 c 94 § 9; RRS § 5170-5.]
- 29.24.110 Source—[1963 c 200 § 11; 1951 c 101 § 3; 1949 c 161 § 4; Rem. Supp. 1949 § 5179-2.]

Chapter 29.27 Certificates and Notices

- 29.27.010 Source—[1923 c 53 § 6, part; RRS § 5148-2, part.]
 - (1) Conclude 1955 c 153 § 2 which repealed session law and 29.27.070 where only part of 1923 c 53 § 6 was codified, evidenced no substantive legislative intent to repeal this RCW section or session law source part.
 - (2) "The governing board of every political subdivision to the consolidated election law in class A and first class counties shall certify" changed to "The governing board of any city, town or district subject to RCW 29.13.010, 29.13.020, or 29.13.030, shall certify . . ." to encompass later law.
 - (3) "county supervisor of elections" changed to "county auditor as ex officio county supervisor of elections" to encompass later law.
- 29.27.020 Source—[1949 c 161 § 10, part; 1947 c 234 § 2, part; 1935 c 26 § 1, part; 1921 c 178 § 4, part; 1907 c 209 § 8, part; Rem. Supp. 1949 § 5185, part.]
 - (1) Other parts codified as 29.27.030 and 29.30.075.
 - (2) "and nomination papers" restored following "declarations of candidacy" in first sentence.
- 29.27.030 Source—[1949 c 161 § 10, part; 1947 c 234 § 2, part; 1935 c 26 § 1, part; 1921 c 178 § 4, part; 1907 c 209 § 8, part; Rem. Supp. 1949 § 5185, part.]
 - (1) Other parts codified as 29.27.020 and 29.30.075.
 - (2) Prior RCW text through "voters, and" on fourth line deleted and recodified as 29.30.075.
 - (3) Reference to "city clerk" deleted since county auditor now gives notice of primary elections for cities and towns.
- 29.27.040 Source—[1951 c 101 § 6; 1949 c 161 § 7; 1947 c 234 § 4; 1921 c 178 § 2; 1889 p 403 § 8; Rem. Supp. 1949 § 5172.]
 - (1) "fourth class towns in class A counties" changed to "fourth class towns" to include such towns in all counties to encompass latest law.
- 29.27.045 Source—[Code 1881 § 3058; 1865 p 27 § 4; RRS § 5156.]
- 29.27.050 Source—[1961 c 130 § 19; 1889 p 403 § 9; RRS § 5173.]
 - (1) "but in no event no later" changed to "but in any event no later"; terminology correction.
- 29.27.060 Source—[1953 c 242 § 1; 1913 c 135 § 1; 1889 p 405 § 14; RRS § 5271.]
- 29.27.065 Source—[1953 c 242 § 3.]
- 29.27.067 Source—[1953 c 242 § 4.]
- 29.27.072 Source—[1961 c 176 § 1.]
- 29.27.074 Source—[1961 c 176 § 2.]
- 29.27.076 Source—[1961 c 176 § 3.]
- 29.27.080 Source—[1955 c 153 § 1; 1951 c 101 § 7; 1949 c 161 § 11; Rem. Supp. 1949 § 5148-3a.]

- 29.27.090 Source—[1921 c 178 § 1, part; 1915 c 11 § 1, part; 1907 c 130 § 1, part; 1889 p 402 § 7, part; Code 1881 § 3067, part; 1865 p 30 § 1, part; RRS § 5171, part.] Explanatory note.
- (1) Other parts codified as 29.04.040 and 29.04.050.
- (2) “and clerks of the several municipal corporations” restored following “county auditor of each county”.
- 29.27.100 Source—[1961 c 130 § 8. Prior: Code 1881 § 3096, part; 1866 p 6 § 2, part; 1865 p 39 § 7, part; RRS § 5343, part.]
- 29.27.110 Source—[(i) 1933 c 92 § 1; RRS § 5343-1. (ii) Code 1881 § 3100, part; No RRS.]
- (1) Other part of Code 1881 § 3100 codified as 29.62.120.
- 29.27.120 Source—[Code 1881 § 3102; 1865 p 41 § 13; RRS § 5347.]

Chapter 29.30 Ballots

- 19.30.010 Source—[(i) 1935 c 26 § 2, part; 1933 c 95 § 2, part; 1917 c 71 § 1, part; 1909 c 82 § 3, part; 1907 c 209 § 10, part; RRS § 5187, part. (ii) 1909 c 82 § 5, part; 1907 c 209 § 13, part; RRS § 5190, part.]
- (1) Other parts of 1935 c 26 § 2 codified as 29.30.020 and 29.30.030 and in 29.30.060.
- (2) Other parts of 1909 c 82 § 5 codified as 29.30.040, 29.30.050 and in 29.30.060.
- 29.30.020 Source—[1935 c 26 § 2, part; 1933 c 95 § 2, part; 1917 c 71 § 1, part; 1909 c 82 § 3, part; 1907 c 209 § 10, part; RRS § 5187, part.]
- (1) Other parts codified as 29.30.030 and in 29.30.010, 29.30.060.
- 29.30.030 Source—[1935 c 26 § 2, part; 1933 c 95 § 2, part; 1917 c 71 § 1, part; 1909 c 82 § 3, part; 1907 c 209 § 10, part; RRS § 5187, part.]
- (1) Other parts codified as 29.30.020 and in 29.30.010, 29.30.060.
- 29.30.040 Source—[1909 c 82 § 5, part; 1907 c 209 § 13, part; RRS § 5190, part.]
- (1) Other parts codified as 29.30.050 and in 29.30.010 and 29.30.060.
- 29.30.050 Source—[1909 c 82 § 5, part; 1907 c 209 § 13, part; RRS § 5190, part.]
- (1) Other parts codified as 29.30.040 and in 29.30.010 and 29.30.060.
- (2) “gathered as required” restored to “gathered as provided in RCW 29.30.040”.
- 29.30.060 Source—[(i) 1935 c 26 § 2, part; 1933 c 95 § 2, part; 1917 c 71 § 1, part; 1909 c 82 § 3, part; 1907 c 209 § 10, part; RRS § 5187, part. (ii) 1909 c 82 § 5, part; 1907 c 209 § 13, part; RRS § 5190, part.]
- (1) Other parts of 1935 c 26 § 2 codified as 29.30.020 and 29.30.030 and in 29.30.010.
- (2) Other parts of 1909 c 82 § 5 codified as 29.30.040 and 29.30.050 and in 29.30.010.
- (3) “for public inspection” added before the period at the end of first sentence to dispense with present second paragraph.
- (4) “Sample ballots” substituted for “It” in second sentence and “and need not be alternated” restored before the period in said sentence, restoring session law context.
- 29.30.070 Source—[(i) 1935 c 26 § 2, part; 1933 c 95 § 2, part; 1917 c 71 § 1, part; 1909 c 82 § 3, part; 1907 c 209 § 10, part; RRS § 5187, part. (ii) 1943 c 25 § 2, part; 1911 c 116 § 7, part; Rem. Supp. 1943 § 9096, part.]
- (1) Section decodified as obsolete for present purposes (see chapters 29.13, 29.21).
- 29.30.075 Source—[1949 c 161 § 10, part; 1947 c 234 § 2, part; 1935 c 26 § 1, part; 1921 c 178 § 4, part; 1907 c 209 § 8, part; Rem. Supp. 1949 § 5185, part.]

Explanatory
note.

- (1) Other parts codified as 29.27.020 and 29.27.030.
 (2) This new RCW section added to remove session law matter appearing in RCW 29.27.030 and codify the same in its proper place.
- 29.30.080 Source—[(i) 1947 c 77 § 1; 1935 c 20 § 3; 1901 c 89 § 1; 1895 c 116 § 4; 1891 c 106 § 1; 1889 p 406 § 17; Rem. Supp. 1947 § 5274. (ii) 1905 c 39 § 1, part; 1889 p 405 § 15, part; RRS § 5272, part.]
 (1) Other parts of 1905 c 39 § 1 codified as 29.51.180 and in 29.48.030, 29.51.170, 29.51.190 and 29.54.050.
 (2) “general election” added following “All” in first sentence to pinpoint session law context.
- 29.30.090 Source—[1895 c 156 § 11, part; 1886 p 128 § 1, part; Code 1881 § 3079, part; 1865 p 34 § 4, part; RRS § 5323, part.]
 (1) Other part codified in 29.54.050.
- 29.30.100 Source—[1961 c 130 § 9. Prior: 1907 c 209 § 24, part; RRS § 5201, part.]
- 29.30.110 Source—[1961 c 130 § 18. Prior: 1919 c 163 § 18, part; RRS § 5199, part.]
- 29.30.130 Source—[1889 p 400 § 1; RRS § 5269.]

Chapter 29.33 Voting Machines

- 29.33.010 Source—[1957 c 195 § 2. Prior: 1913 c 58 § 3, part; RRS § 5302, part.]
- 29.33.015 Source—[1913 c 58 § 1, part; RRS § 5300, part.]
 (1) Other part codified in 29.33.020.
 (2) This new section is added to dispel confusion when “election” alone is used in certain of this chapter’s RCW sections (see 29.01.050).
- 29.33.020 Source—[(i) 1913 c 58 § 1, part; RRS § 5300, part. (ii) 1913 c 58 § 18; RRS § 5318.]
 (1) Other part of 1913 c 58 § 1 codified as 29.33.015.
- 29.33.030 Source—[1921 c 7 § 11, part; RRS § 10769, part.]
 (1) Other parts codified as 43.35.010 (herewith decodified) and in 29.33.040.
 (2) “, ex officio,” restored following “insurance commissioner”.
- 29.33.040 Source—[(1) 1913 c 58 § 2, part; RRS § 5301, part. (ii) 1921 c 7 § 11, part; RRS § 10769, part.]
 (1) Other parts of 1913 c 58 § 2 codified as 29.33.050, 29.33.060, 29.33.070 and 29.33.080.
 (2) Other part of 1921 c 7 § 11 codified as 29.33.030.
 (3) RCW 43.35.020, a 1941 reviser’s RCW section is herewith decodified (substance herein).
- 29.33.050 Source—[1913 c 58 § 2, part; RRS § 5301, part.]
 (1) Other parts codified as 29.33.060, 29.33.070, 29.33.080 and in 29.33.040.
 (2) “or corporation” restored following “any person”.
- 29.33.060 Source—[1913 c 58 § 2, part; RRS § 5301, part.]
 (1) Other parts codified as 29.33.050, 29.33.070, 29.33.080, and in 29.33.040.
 (2) “or corporation” restored following “any person”.
- 29.33.070 Source—[1913 c 58 § 2, part; RRS § 5301, part.]
 (1) Other parts codified as 29.33.050, 29.33.060, 29.33.080 and in 29.33.040.
- 29.33.080 Source—[1913 c 58 § 2, part; RRS § 5301, part.]
 (1) Other parts codified in 29.33.050, 29.33.060, 29.33.070 and in 29.33.040.
- 29.33.090 Source—[1935 c 20 § 4; 1913 c 58 § 4; RRS § 5303.]
- 29.33.100 Source—[1957 c 195 § 3. Prior: 1915 c 114 § 1, part; 1913 c 58 § 5, part; RRS § 5304, part.]
- 29.33.110 Source—[1913 c 58 § 17; RRS § 5317.]

- 29.33.120 Source—[1913 c 58 § 6; RRS § 5305.] Explanatory
RCW section restored to read as follows: note.
“The governing body of a public corporation for the purpose of paying for voting machines may provide for the payment thereof in such manner as it may deem for its best interest, may issue or sell at not less than par negotiable obligations bearing interest at a rate not to exceed five percent per annum and may make their payment a charge upon the corporation or may pay for the same in cash out of its general or current expense fund or otherwise; and may contract for the purchase of such machines with regard to price, manner of purchase and time of payment as to it shall seem proper, and in estimating the amount of taxes for the general or current expense fund, if any, such amount shall be added, extending over such time as may be required to pay for such machines.”
- 29.33.130 Source—[1955 c 323 § 2. Prior: 1935 c 85 § 1, part; 1919 c 163 § 23, part; 1915 c 114 § 5, part; 1913 c 58 § 10, part; RRS § 5309, part.]
- 29.33.140 Source—[1955 c 323 § 3. Prior: 1935 c 85 § 1, part; 1919 c 163 § 23, part; 1915 c 114 § 5, part; 1913 c 58 § 10, part; RRS § 5309, part.]
- 29.33.150 Source—[1955 c 323 § 4. Prior: 1935 c 85 § 1, part; 1919 c 163 § 23, part; 1915 c 114 § 5, part; 1913 c 58 § 10, part; RRS § 5309, part.]
- 29.33.160 Source—[1957 c 195 § 4. Prior: 1955 c 323 § 5. (i) 1913 c 58 § 3, part; RRS § 5302, part. (ii) 1915 c 114 § 1, part; 1913 c 58 § 5, part; RRS § 5304, part. (iii) 1947 c 77 § 3, part; Rem. Supp. 1947 § 5318-1.]
(1) In subsection (5) “one or more voting machine” changed to “one or more voting machines”.
(2) In subsection (5) “county” changed to “election authority” to conform to latest law.
(3) In subsection (6) brackets removed from “party” thus effectuating session law intent.
- 29.33.170 Source—[1915 c 114 § 3, part; 1913 c 58 § 8, part; RRS § 5307, part.]
(1) Other part codified as 29.33.180.
- 29.33.180 Source—[1915 c 114 § 3, part; 1913 c 58 § 8, part; RRS § 5307, part.]
(1) Other part codified as 29.33.170.
(2) “or officer” restored following “board” in last sentence.
- 29.33.190 Source—[1935 c 20 § 5, part; 1921 c 178 § 6, part; 1915 c 114 § 2, part; 1913 c 58 § 7, part; RRS § 5306, part.]
(1) Other parts codified as 29.33.200 and in 29.48.030.
- 29.33.200 Source—[1935 c 20 § 5, part; 1921 c 178 § 6, part; 1915 c 114 § 2, part; 1913 c 58 § 7, part; RRS § 5306, part.]
(1) Other parts codified as 29.33.190 and in 29.48.030.
- 29.33.210 Source—[1955 c 168 § 2. Prior: 1915 c 114 § 4, part; 1913 c 58 § 9, part; RRS § 5308, part.]
- 29.33.220 Source—[1955 c 168 § 3. Prior: 1915 c 114 § 4, part; 1913 c 58 § 9, part; RRS § 5308, part.]
- 29.33.230 Source—[1917 c 7 § 1, part; 1913 c 58 § 15, part; RRS § 5315, part.]
(1) Other parts codified as 29.65.030 and (as subsequently amended) as 29.62.050, 29.62.060 and 29.62.070.

Chapter 29.36 Absentee Voting

- 29.36.010 Source—[1963 ex.s. c 23 § 1; 1955 c 167 § 2. Prior: (i) 1950 ex.s. c 8 § 1; 1943 c 72 § 1; 1933 ex.s. c 41 § 1; 1923 c 58 § 1; 1921 c 143 § 1; 1917 c 159 § 1; 1915 c 189 § 1; Rem. Supp. 1943 § 5280.]

Explanatory
note.

- (ii) 1933 ex.s. c 41 § 2, part; 1923 c 58 § 2, part; 1921 c 143 § 2, part; 1917 c 159 § 2, part; 1915 c 189 § 2, part; RRS § 5281, part.]
- 29.36.020 Source—[1963 ex.s. c 23 § 2; 1955 c 167 § 3. Prior: 1933 ex.s. c 41 § 2, part; 1923 c 58 § 2, part; 1921 c 143 § 2, part; 1917 c 159 § 2, part; 1915 c 189 § 2, part; RRS § 5281, part.]
- 29.36.030 Source—[1963 ex.s. c 23 § 3; 1955 c 167 § 4. Prior: (i) 1933 ex.s. c 41 § 2, part; 1923 c 58 § 2, part; 1921 c 143 § 2, part; 1917 c 159 § 2, part; 1915 c 189 § 2, part; RRS § 5281, part. (ii) 1933 ex.s. c 41 § 3, part; 1923 c 58 § 3, part; 1921 c 143 § 3, part; 1917 c 159 § 3, part; 1915 c 189 § 3, part; RRS § 5282, part.]
- 29.36.035 Source—[1963 ex.s. c 23 § 4.]
- 29.36.040 Source—[1955 c 167 § 5. Prior: 1933 ex.s. c 41 § 3, part; 1923 c 58 § 3, part; 1921 c 143 § 3, part; 1917 c 159 § 3, part; 1915 c 189 § 3, part; RRS § 5282, part.]
- 29.36.050 Source—[1955 c 167 § 6. Prior: 1933 ex.s. c 41 § 4; 1921 c 143 § 5; RRS § 5284.]
- 29.36.060 Source—[1963 ex.s. c 23 § 5; 1955 c 167 § 7; 1955 c 50 § 2. Prior: 1933 ex.s. c 41 § 5, part; 1921 c 143 § 6, part; 1917 c 159 § 4, part; 1915 c 189 § 4, part; RRS § 5285, part.]
- 29.36.070 Source—[1955 c 50 § 3. Prior: 1933 ex.s. c 41 § 5, part; 1921 c 143 § 6, part; 1917 c 159 § 4, part; 1915 c 189 § 4, part; RRS § 5285, part.]
- 29.36.075 Source—[1961 c 78 § 1.]
- 29.36.077 Source—[1961 c 78 § 2.]
- 29.36.095 Source—[1955 c 50 § 4.]
- 29.36.100 Source—[1917 c 159 § 5; 1915 c 189 § 5; RRS § 5286.]
- 29.36.110 Source—[1963 ex.s. c 23 § 7; 1917 c 159 § 7; 1915 c 189 § 7; RRS § 5287.]

Chapter 29.39 Absentee Service Voters

- 29.39.010 Source—[1957 c 169 § 1; 1950 ex.s. c 14 § 1.]
- 29.39.020 Source—[1950 ex.s. c 14 § 2.]
- 29.39.030 Source—[1950 ex.s. c 14 § 3.]
- 29.39.040 Source—[1950 ex.s. c 14 § 4.]
(1) " 'Date' of mailing the ballot means" changed to " 'Date of mailing the ballot' means".
- 29.39.050 Source—[1950 ex.s. c 14 § 5.]
(1) "forty-eight states" changed to "fifty states".
- 29.39.060 Source—[1950 ex.s. c 14 § 6.]
- 29.39.070 Source—[1950 ex.s. c 14 § 7.]
- 29.39.080 Source—[1950 ex.s. c 14 § 8.]
- 29.39.090 Source—[1950 ex.s. c 14 § 9.]
- 29.39.100 Source—[1950 ex.s. c 14 § 10.]
- 29.39.110 Source—[1950 ex.s. c 14 § 11.]
(1) "chapter 29.07" changed to "chapter 29.07 RCW".
- 29.39.120 Source—[1950 ex.s. c 14 § 12.]
- 29.39.130 Source—[1950 ex.s. c 14 § 14.]
- 29.39.140 Source—[1950 ex.s. c 14 § 13.]
- 29.39.150 Source—[1950 ex.s. c 14 § 15.]
(1) "auditor" changed to "treasurer" in last sentence to conform to later law.
- 29.39.160 Source—[1950 ex.s. c 14 § 16.]
- 29.39.170 Source—[1950 ex.s. c 14 § 17.]
(1) "as nearly as possible be governed by existing law" changed to "be governed by the provisions of chapter 29.39 RCW".
- 29.39.180 Source—[1950 ex.s. c 14 § 21.]
- 29.39.190 Source—[1950 ex.s. c 14 § 22.]
- 29.39.200 Source—[1950 ex.s. c 14 § 23.]
- 29.39.900 Source—[1950 ex.s. c 14 § 24.]
(1) New section heretofore footnoted to chapter digest.

Chapter 29.42 Political Parties

Explanatory
note.

- 29.42.010 Source—[1961 c 130 § 2. Prior: 1943 c 178 § 1, part; 1939 c 48 § 1, part; 1927 c 200 § 1, part; 1925 ex.s. c 158 § 1, part; 1909 c 82 § 6, part; 1907 c 209 § 22, part; Rem. Supp. 1943 § 5198, part.]
- 29.42.020 Source—[1961 c 130 § 3. Prior: 1943 c 178 § 1, part; 1939 c 48 § 1, part; 1927 c 200 § 1, part; 1925 ex.s. c 158 § 1, part; 1909 c 82 § 6, part; 1907 c 209 § 22, part; Rem. Supp. 1943 § 5198, part.]
- 29.42.030 Source—[1961 c 130 § 4. Prior: 1943 c 178 § 1, part; 1939 c 48 § 1, part; 1927 c 200 § 1, part; 1925 ex.s. c 158 § 1, part; 1909 c 82 § 6, part; 1907 c 209 § 22, part; Rem. Supp. 1943 § 5198, part.]
- 29.42.040 Source—[1961 c 130 § 5. Prior: 1943 c 178 § 1, part; 1939 c 48 § 1, part; 1927 c 200 § 1, part; 1925 ex.s. c 158 § 1, part; 1909 c 82 § 6, part; 1907 c 209 § 22, part; Rem. Supp. 1943 § 5198, part.]
- 29.42.050 Source—[1961 c 130 § 6. Prior: 1953 c 196 § 1; 1943 c 178 § 1, part; 1939 c 48 § 1, part; 1927 c 200 § 1, part; 1925 ex.s. c 158 § 1, part; 1909 c 82 § 6, part; 1907 c 209 § 22, part; Rem. Supp. 1943 § 5198, part.]

Chapter 29.45 Precinct Election Officers

- 29.45.010 Source—[(i) 1935 c 165 § 2, part; RRS § 5147-1, part. (ii) Code 1881 § 3068, part; 1865 p 30 § 2, part; RRS § 5158, part. (iii) 1907 c 209 § 15, part; RRS § 5192, part. (iv) 1895 c 156 § 6, part; 1889 p 407 § 20, part; RRS § 5277, part. (v) 1947 c 182 § 1, part; Rem. Supp. 1947 § 5166-10, part. Prior: 1945 c 164 § 3, part; 1941 c 180 § 1, part; 1935 c 5 § 1, part; 1933 ex.s. c 29 § 1, part; prior: 1933 c 79 § 1, part; 1927 c 279 § 2, part; 1923 c 53 § 3, part; 1921 c 61 § 5, part; Rem. Supp. 1945 § 5147, part.]
- (1) Other part of 1935 c 165 § 2 codified in 29.45.030.
- (2) Other part of Code 1881 § 3068 codified in 29.45.040.
- (3) Other parts of 1907 c 209 § 15 codified in 29.45.030 and 29.45-.040; history reference in 29.45.120.
- (4) Other part of 1895 c 156 § 6 codified in 29.48.030.
- (5) Other part of 1947 c 182 § 1 codified in 29.04.020.
- (6) First sentence changed after "county auditor" to read "or other appointing body or officer, where the law so provides in elections in lesser constituencies, . . ." to conform to later law.
- 29.45.020 Source—[1955 c 168 § 4. Prior: (i) 1915 c 114 § 4, part; 1913 c 58 § 9, part; RRS § 5308, part. (ii) 1895 c 156 § 1, part; Code 1881 § 3069, part; 1865 p 31 § 3, part; RRS § 5159, part.]
- 29.45.030 Source—[(i) 1907 c 209 § 15, part; RRS § 5192, part. (ii) 1935 c 165 § 2, part; RRS § 5147-1, part.]
- (1) Other parts of 1907 c 209 § 15 codified in 29.45.010 and 29.45-.040; history reference in 29.45.120.
- (2) Other part of 1935 c 165 § 2 codified in 29.45.010.
- 29.45.040 Source—[(i) Code 1881 § 3075, part; 1865 p 32 § 9, part; RRS § 5165, part. (ii) Code 1881 § 3068, part; 1865 p 30 § 2, part; RRS § 5158, part. (iii) 1907 c 209 § 15, part; RRS § 5192, part.]
- (1) Other part of Code 1881 § 3075 codified as 29.45.070.
- (2) Other part of Code 1881 § 3068 codified in 29.45.010.
- (3) Other parts of 1907 c 209 § 15 codified in 29.45.010 and 29.45.030; history reference in 29.45.120.
- (4) Last sentence restored to read: "The inspector shall have the power to fill any vacancy that may occur in the board of judges, or by absence or refusal to serve of either of the clerks after the polls shall have been opened."
- 29.45.050 Source—[1955 c 148 § 2. Prior: (i) 1923 c 53 § 4, part; 1921 c 61 § 6, part; RRS § 5148, part. (ii) 1921 c 170 § 4, part; RRS § 5153, part.]

Explanatory
note.

- 29.45.060 Source—[1955 c 148 § 3. Prior: (i) 1923 c 53 § 4, part; 1921 c 61 § 6, part; RRS § 5148, part. (ii) 1921 c 170 § 4, part; RRS § 5153, part.]
- 29.45.070 Source—[Code 1881 § 3075, part; 1865 p 32 § 9, part; RRS § 5165, part.]
(1) Other part of Code 1881 § 3075 codified in 29.45.040.
- 29.45.080 Source—[(1) Code 1881 § 3070; 1865 p 31 § 4; RRS § 5160. (ii) 1895 c 156 § 2, part; Code 1881 § 3074, part; 1865 p 32 § 8, part; RRS § 5164, part.]
(1) Other part of 1895 c 156 § 2 codified in 29.48.030.
(2) “and verified under the hand of the person by whom such oath or affirmation is administered” restored at end of first sentence.
- 29.45.090 Source—[Code 1881 § 3071; 1865 p 31 § 5; RRS § 5161.]
- 29.45.100 Source—[Code 1881 § 3072; 1865 p 31 § 6; RRS § 5162.]
- 29.45.110 Source—[Code 1881 § 3073; 1865 p 32 § 7; RRS § 5163.]
- 29.45.120 Source—[1961 c 43 § 1; 1951 c 67 § 1; 1945 c 186 § 1; 1919 c 163 § 13; 1895 c 20 § 1; Code 1881 § 3151; 1866 p 8 § 9; 1865 p 52 § 12; Rem. Supp. 1945 § 5166. See also 1907 c 209 § 15; RRS § 5192.]

Chapter 29.48 Polling Place Regulations Before Polls Open

- 29.48.005 Source—[1951 c 123 § 1.]
(1) “primary or” added before “election” to clarify scope of section.
- 29.48.007 Source—[1955 c 201 § 1.]
- 29.48.010 Source—[1907 c 130 § 2, part; 1889 p 408 § 21, part; RRS § 5278, part.]
(1) Other parts codified as 29.51.010 and in 29.04.040.
(2) “or voting at the last preceding election where there is no registration” restored to end of second sentence.
- 29.48.020 Source—[1957 c 195 § 6. Prior: 1913 c 58 § 12, part; RRS § 5312, part.]
- 29.48.030 Source—[(i) 1921 c 178 § 8; Code 1881 § 3078; 1865 p 34 § 3; RRS § 5322. (ii) 1919 c 163 § 20, part; 1895 c 156 § 9, part; 1889 p 411 § 28, part; RRS § 5293, part. (iii) 1907 c 209 § 20; RRS § 5196. (iv) 1913 c 138 § 29, part; RRS § 5425, part. (v) 1915 c 124 § 1; 1895 c 156 § 5; 1893 c 91 § 1; 1889 p 407 § 18; RRS § 5275. (vi) 1921 c 68 § 1, part; RRS § 5320, part. (vii) 1895 c 156 § 6, part; 1889 p 407 § 20, part; RRS § 5277, part. (viii) 1895 c 156 § 2, part; Code 1881 § 3074, part; 1865 p 32 § 8, part; RRS § 5164, part. (ix) 1905 c 39 § 1, part; 1889 p 405 § 15, part; RRS § 5272, part; (x) 1935 c 20 § 5, part; 1921 c 178 § 6, part; 1915 c 114 § 2, part; 1913 c 58 § 7, part; RRS § 5306, part. (xi) 1854 p 67 § 16; No RRS. (xii) 1854 p 67 § 17, part; No RRS. (xiii) 1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part. (xiv) 1915 c 14 § 6, part; 1913 c 58 § 11, part; RRS § 5311, part. See also 1933 c 1 § 10 as subsequently amended by 1957 c 251 § 8, presently RCW 29.07.170 and Code 1881 § 3093, part, 1903 c 85 § 1, part, as subsequently amended by 1957 c 194 § 9, presently RCW 29.54.080.]
(1) Other part of 1919 c 163 § 20 codified in 29.48.060.
(2) Other parts of 1913 c 138 § 29 codified as 29.81.140, 29.81.150 and 29.81.160.
(3) Other part of 1921 c 68 § 1 codified as 29.48.090.
(4) Other part of 1895 c 156 § 6 codified in 29.45.010.
(5) Other part of 1895 c 156 § 2 codified in 29.45.080.
(6) Other parts of 1905 c 39 § 1 codified as 29.51.180 and in 29.51.170, 29.51.190, 29.30.080 and 29.54.050.
(7) Other parts of 1935 c 20 § 5 codified as 29.33.190 and 29.33.200.
(8) Other part of 1854 p 67 § 17 codified as 29.48.070.
(9) Other parts of 1915 c 114 § 7 codified as 29.51.130, 29.51.140, 29.51.150, 29.51.160, 29.51.200, 29.85.160 and in 29.51.070, 29.51.190, 29.51.220 and 29.51.050.

- (10) Other parts of 1915 c 114 § 6 codified as 29.48.040 and 29.48.050. Explanatory note.
- (11) Initial clause, "At least forty-five minutes" stricken and returned to proper session law source (present 29.48.040); "and allowing a reasonable time for preparation thereof," added following "election" (first) in first sentence restoring general session law intent.
- (12) In subsection (2) after "therein", "or such further number as the county auditor or other officer in charge of such primary or election may certify to be necessary," restored.
- (13) In subsection (4) after "printed", "in English" restored.
- (14) In subsection (7) after "ballots", "or two sample ballots prepared as blanks" restored, thus permitting striking present subsection (10).
- 29.48.040 Source—[1915 c 114 § 6, part; 1913 c 58 § 11, part; RRS § 5311, part.]
- (1) Other parts codified as 29.48.050 and in 29.48.030.
- (2) "not later than forty-five minutes before the time for opening the polls" restored following "precinct" in first paragraph (see 29.48.030(11) above).
- (3) "as reported by the custodian" restored following "thereof" in subsection (1).
- 29.48.050 Source—[1915 c 114 § 6, part; 1913 c 58 § 11, part; RRS § 5311, part.]
- (1) Other parts codified as 29.48.040 and in 29.48.030.
- 29.48.060 Source—[1919 c 163 § 20, part; 1895 c 116 § 9, part; 1889 p 411 § 28, part; RRS § 5293, part. See also 1913 c 58 § 12, part, as subsequently amended by 1957 c 195 § 7, presently RCW 29.48.080.
- (1) Other part codified in 29.48.030.
- 29.48.070 Source—[1854 p 67 § 17, part; No RRS. See also Code 1881 § 3089 as subsequently amended by 1955 c 148 § 4, presently RCW 29.54.030, and 1955 c 148 § 5, presently RCW 29.54.045.]
- (1) Other part codified in 29.48.030.
- (2) "except in the manner and for the purposes otherwise provided by law" added following last clause in section to conform to later law.
- 29.48.080 Source—[1957 c 195 § 7. Prior: 1913 c 58 § 12, part; RRS § 5312, part.]
- (1) History reference source to 29.48.060.
- 29.48.090 Source—[1921 c 68 § 1, part; RRS § 5320, part.]
- (1) Other part codified in 29.48.030.
- (2) "primaries and" added following "At all" to reflect session law intent.
- 29.48.100 Source—[Code 1881 § 3077; 1865 p 34 § 2; RRS § 5321.]

Chapter 29.51 Polling Place Regulations During Voting Hours

- 29.51.010 Source—[1907 c 130 § 2, part; 1889 p 408 § 21, part; RRS § 5278, part.]
- (1) Other parts codified as 29.48.010 and in 29.04.040.
- 29.51.020 Source—[(i) 1947 c 35 § 1, part; 1889 p 412 § 33, part; Rem. Supp. 1947 § 5298, part. (ii) 1895 c 156 § 7, part; 1889 p 409 § 22, part; Code 1881 § 3079, part; 1865 p 34 § 4, part; RRS § 5279, part.]
- (1) Other parts of 1947 c 35 § 1 codified as 29.51.030 and 29.51.230 and in 29.51.200.
- (2) Other parts of 1895 c 156 § 7 codified as 29.51.080 and in 29.51.050, 29.51.070 and 29.51.190.
- (3) "primary or" added before "election day" in first sentence to reflect session law intent.

- Explanatory note.
- 29.51.030 Source—[1947 c 35 § 1, part; 1889 p 412 § 33, part; Rem. Supp. 1947 § 5298, part.]
 (1) Other parts codified as 29.51.230 and in 29.51.020 and in 29.51.200.
 (2) “primary or” added before “election day” to reflect session law intent.
- 29.51.040 Source—[1854 p 68 § 21; No RRS.]
- 29.51.050 Source—[(i) 1895 c 156 § 7, part; 1889 p 409 § 22, part; Code 1881 § 3079, part; 1865 p 34 § 4, part; RRS § 5279, part. (ii) 1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part.]
 (1) Other parts of 1895 c 156 § 7 codified as 29.51.080 and in 29.51.020, 29.51.070 and 29.51.190.
 (2) Other parts of 1915 c 114 § 7 codified as 29.51.130, 29.51.140, 29.51.150, 29.51.160, 29.51.200, 29.85.160 and in 29.48.030, 29.51.070, 29.51.190 and 29.51.220.
- 29.51.060 Source—[1933 c 1 § 24; RRS § 5114-24.]
 (1) “primary or” added before “election” in first sentence to reflect session law intent.
- 29.51.070 Source—[(i) 1895 c 156 § 7, part; 1889 p 409 § 22, part; 1881 § 3079, part; 1865 p 34 § 4, part; RRS § 5279, part. (ii) 1933 c 1 § 25; RRS § 5114-25. (iii) 1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part.]
 (1) Other parts of 1895 c 156 § 7 codified as 29.51.080 and in 29.51.020, 29.51.050 and 29.51.190.
 (2) Other parts of 1915 c 114 § 7 codified as 29.51.130, 29.51.140, 29.51.150, 29.51.160, 29.51.200, 29.85.160 and in 29.48.030, 29.51.050, 29.51.190 and 29.51.220.
 (3) “and, where voting machines are used, before each voter enters the voting machine booth,” restored following “each vote,”
 (4) “which entry may be with pen and ink or by a stamp provided for that purpose” restored following final clause of sentence.
- 29.51.080 Source—[1895 c 156 § 7, part; 1889 p 409 § 22, part; Code 1881 § 3079, part; 1865 p 34 § 4, part; RRS § 5279, part.]
 (1) Other parts codified in 29.51.020, 29.51.050, 29.51.070 and 29.51.190.
 (2) “primaries or” added before “elections” to reflect session law intent.
- 29.51.090 Source—[(i) 1935 c 26 § 3, part; 1921 c 177 § 1, part; 1919 c 163 § 15, part; 1917 c 71 § 2, part; 1909 c 82 § 4, part; 1907 c 209 § 12, part; RRS § 5189, part. (ii) 1947 c 77 § 2, part; 1895 c 156 § 8, part; 1889 p 409 § 23, part; Rem. Supp. 1947 § 5288, part.]
 (1) Other parts of 1935 c 26 § 3 codified in 29.51.190 and 29.51-.220; history reference to 29.04.010.
 (2) Other parts of 1947 c 77 § 2 codified as 29.51.100 and 29.51.110.
- 29.51.100 Source—[(i) 1947 c 77 § 2, part; 1895 c 156 § 8, part; 1889 p 409 § 23, part; Rem. Supp. 1947 § 5288, part. (ii) 1889 p 410 § 24, part; RRS § 5289, part.]
 (1) Other parts of 1947 c 77 § 2 codified as 29.51.110 and in 29.51.090.
 (2) Other part of 1889 p 410 § 24 codified in 29.51.220.
- 29.51.110 Source—[1947 c 77 § 2, part; 1895 c 156 § 8, part; 1889 p 409 § 23, part; Rem. Supp. 1947 § 5288, part.]
 (1) Other parts codified in 29.51.100 and 29.51.090.
- 29.51.120 Source—[Code 1881 § 3080, part; 1865 p 34 § 5, part; RRS § 5324, part.]
 (1) Other part codified as 29.54.060.
- 29.51.125 Source—[1963 ex.s. c 24 § 1.]

- 29.51.130 Source—[1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part.] Explanatory note.
 (1) Other parts codified as 29.51.140, 29.51.150, 29.51.160, 29.51.200 and 29.85.160 and in 29.48.030, 29.51.070, 29.51.190, 29.51.220 and 29.51.050.
- 29.51.140 Source—[1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part.]
 (1) Other parts codified as 29.51.130, 29.51.150, 29.51.160, 29.51.200 and 29.85.160 and in 29.48.030, 29.51.050, 29.51.070, 29.51.190 and 29.51.220.
- 29.51.150 Source—[1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part.]
 (1) Other parts codified as 29.51.130, 29.51.140, 29.51.160, 29.51.200 and 29.85.160 and in 29.48.030, 29.51.050, 29.51.070, 29.51.190 and 29.51.220.
- 29.51.160 Source—[1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part.]
 (1) Other parts codified as 29.51.130, 29.51.140, 29.51.150, 29.51.200 and 29.85.160, and in 29.48.030, 29.51.050, 29.51.070, 29.51.190 and 29.51.220.
 (2) “primary or” added before “election” in second and third sentences to reflect session law intent.
- 29.51.170 Source—[(i) 1931 c 14 § 1; 1909 c 82 § 12; RRS § 5213. (ii) 1933 c 85 § 2; RRS § 5213-2. (iii) 1905 c 39 § 1, part; 1889 p 405 § 15, part; RRS § 5272, part.]
 (1) Other parts of 1905 c 39 § 1 codified as 29.51.180 and in 29.48.030, 29.51.190, 29.30.080 and 29.54.050.
- 29.51.180 Source—[1905 c 39 § 1, part; 1889 p 405 § 15, part; RRS § 5272, part.]
 (1) Other parts codified in 29.48.030, 29.51.170, 29.51.190, 29.30.080 and 29.54.050.
- 29.51.190 Source—[(i) 1889 p 410 § 25; RRS § 5290. (ii) 1935 c 26 § 3, part; 1921 c 177 § 1, part; 1919 c 163 § 15, part; 1917 c 71 § 2, part; 1909 c 82 § 4, part; 1907 c 209 § 12, part; RRS § 5189, part. (iii) 1895 c 156 § 7, part; 1889 p 409 § 22, part; Code 1881 § 3079, part; 1865 p 34 § 4, part; RRS § 5279, part. (iv) 1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part. (v) 1905 c 39 § 1, part; 1889 p 405 § 15, part; RRS § 5272, part.]
 (1) Other parts of 1935 c 26 § 3 codified in 29.51.090 and 29.51.220; history reference to 29.04.010.
 (2) Other parts of 1895 c 156 § 7 codified as 29.51.080 and in 29.51.020, 29.51.050 and 29.51.070.
 (3) Other parts of 1915 c 114 § 7 codified as 29.51.130, 29.51.140, 29.51.150, 29.51.160, 29.51.200 and 29.85.160 and in 29.48.030, 29.51.050, 29.51.070 and 29.51.220.
 (4) Other parts of 1905 c 39 § 1 codified as 29.51.180 and in 29.30.080, 29.48.030, 29.51.170 and 29.54.050.
 (5) “no ballots shall be cast other than those printed by the respective county auditors or other authorized election officials as provided by law, and” restored after “are used.”
- 29.51.200 Source—[(i) 1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part. (ii) 1947 c 35 § 1, part; 1889 p 412 § 33, part; Rem. Supp. 1947 § 5298, part. Former law: 1901 c 135 § 6; 1889 p 410 § 26.]
 (1) Other parts of 1915 c 114 § 7 codified as 29.51.130, 29.51.140, 29.51.150, 29.51.160 and 29.85.160 and in 29.48.030, 29.51.050, 29.51.070, 29.51.190 and 29.51.220.
 (2) Other parts of 1947 c 35 § 1 codified as 29.51.030 and 29.51.230 and in 29.51.020.
- 29.51.210 Source—[1935 c 100 § 1; RRS § 5291-1. Former law: 1901 c 135 § 6; 1889 p 410 § 26.]

Explanatory
note.

(1) Section restored as follows:

"A blind person, or one with such defective vision that he cannot see to mark his ballot, and who is otherwise qualified to vote, may designate his spouse, or any near relative, who can see and is also a registered voter, to mark his ballot: *Provided*, That the foregoing shall not prevent any such person from designating election officers for that purpose, as now provided by law, but no election officer shall prevent such person from exercising his choice as heretofore set forth."

- 29.51.215 Source—[1935 c 100 § 2; RRS § 5291-2. Formerly RCW 29.85.250.]
- (1) Recodified RCW section restored to session law purpose.
- 29.51.220 Source—[(i) 1889 p 410 § 24, part; RRS § 5289, part. (ii) 1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part. (iii) 1935 c 26 § 3, part; 1921 c 177 § 1, part; 1919 c 163 § 15, part; 1917 c 71 § 2, part; 1909 c 82 § 4, part; 1907 c 209 § 12, part; RRS § 5189, part.]
- (1) Other part of 1889 p 410 § 24 codified in 29.51.100.
- (2) Other parts of 1915 c 114 § 7 codified as 29.51.130, 29.51.140, 29.51.150, 29.51.160, 29.51.200 and 29.85.160 and in 29.48.030, 29.51-.050, 29.51.070 and 29.51.190.
- (3) Other parts of 1935 c 26 § 3 codified in 29.51.090 and 29.51-.190; history reference to 29.04.010.
- 29.51.230 Source—[1947 c 35 § 1, part; 1889 p 412 § 33, part; Rem. Supp. 1947 § 5298, part.]
- (1) Other parts codified as 29.51.030 and in 29.51.020 and 29.51.200.
- 29.51.240 Source—[1919 c 163 § 16, part; 1907 c 209 § 17, part; RRS § 5194, part. See also RCW 29.13.080.]
- (1) Other parts codified as 29.51.250 and in 29.13.080.
- 29.51.250 Source—[1919 c 163 § 16, part; 1907 c 209 § 17, part; RRS § 5194, part. See also RCW 29.13.080.]
- (1) Other parts codified as 29.51.240 and in 29.13.080.
- 29.51.260 Source—[Code 1881 § 3087; 1865 p 36 § 12; RRS § 5331.]

Chapter 29.54 Polling Place Regulations During Voting Hours
and After Closing

- 29.54.010 Source—[1893 c 91 § 2; RRS § 5332.]
- 29.54.020 Source—[(i) 1945 c 90 § 1, part; Code 1881 § 3092, part; 1868 p 19 § 2, part; Rem. Supp. 1945 § 5337, part. (ii) 1935 c 26 § 4; 1919 c 163 § 17; 1907 c 209 § 19; RRS § 5195. (iii) Code 1881 § 3088, part; 1865 p 37 § 1, part; RRS § 5333, part.]
- (1) Other part of 1945 c 90 § 1 codified as 29.54.070.
- (2) Other part of Code 1881 § 3088 codified in 29.54.040.
- 29.54.030 Source—[1955 c 148 § 4; Code 1881 § 3089; 1865 p 37 § 1, part; RRS § 5334.]
- 29.54.035 Source—[1955 c 148 § 6.]
- 29.54.040 Source—[(i) Code 1881 § 3088, part; 1865 p 37 § 1, part; RRS § 5333, part. (ii) Code 1881 § 3090; 1865 p 37 § 1, part; RRS § 5335.]
- (1) Other part of Code 1881 § 3088 codified in 29.54.020.
- 29.54.045 Source—[1955 c 148 § 5.]
- 29.54.050 Source—[(i) Code 1881 § 3091; 1865 p 38 § 2; RRS § 5336. (ii) 1895 c 156 § 10; 1889 p 411 § 29; RRS § 5294. (iii) 1905 c 39 § 1, part; 1889 p 405 § 15, part; RRS § 5272, part. (iv) 1895 c 156 § 11, part; 1886 p 128 § 1, part; Code 1881 § 3079, part; 1865 p 34 § 4, part; RRS § 5323, part.]
- (1) Other parts of 1905 c 39 § 1 codified as 29.51.180 and in 29.48.030, 29.51.170, 29.51.190 and 29.30.080.
- (2) Other part of 1895 c 156 § 11 codified as 29.30.090.
- (3) New subsection added to restore 1905 c 39 § 1, part, formerly omitted: "(3) Printed other than by the respective county auditors or other authorized election officials as provided by law."

- 29.54.060 Source—[Code 1881 § 3080, part; 1865 p 34 § 5, part; RRS § 5324, part.] Explanatory note.
- (1) Other part codified as 29.51.120.
- (2) “and returned in the same manner as other ballots” restored at end of second sentence.
- 29.54.070 Source—[1945 c 90 § 1, part; Code 1881 § 3092, part; 1868 p 19 § 2, part; Rem. Supp. 1945 § 5337, part.]
- (1) Other part of 1945 c 90 § 1 codified in 29.54.020.
- 29.54.080 Source—[1957 c 195 § 9. Prior: (i) Code 1881 § 3093, part; 1865 p 38 § 3, part; RRS § 5338, part. (ii) 1903 c 85 § 1, part; Code 1881 § 3094, part; 1865 p 38 § 4, part; RRS § 5339, part.]
- (1) History reference source to 29.48.030.
- 29.54.090 Source—[1957 c 195 § 10. Prior: 1935 c 20 § 6, part; 1915 c 114 § 8, part; 1913 c 58 § 14, part; RRS § 5314, part.]
- 29.54.100 Source—[1957 c 195 § 11. Prior: 1935 c 20 § 6, part; 1915 c 114 § 8, part; 1913 c 58 § 14, part; RRS § 5314, part.]
- 29.54.110 Source—[1957 c 195 § 12. Prior: 1935 c 20 § 6, part; 1915 c 114 § 8, part; 1913 c 58 § 14, part; RRS § 5314, part.]
- 29.54.120 Source—[1957 c 195 § 13. Prior: 1935 c 20 § 6, part; 1915 c 114 § 8, part; 1913 c 58 § 14, part; RRS § 5314, part.]
- 29.54.130 Source—[1957 c 195 § 14. Prior: (i) 1935 c 20 § 6, part; 1915 c 114 § 8, part; 1913 c 58 § 14, part; RRS § 5314, part. (ii) Code 1881 § 3093, part; 1865 p 38 § 3, part; RRS § 5338, part. (iii) 1903 c 85 § 1, part; Code 1881 § 3094, part; 1865 p 38 § 4, part; RRS § 5339, part.]
- 29.54.140 Source—[(i) 1935 c 108 § 2; RRS § 5339-2. (ii) 1935 c 108 § 1; RRS § 5339-1.]

Chapter 29.59 Challenging

- 29.59.010 Source—[1955 c 181 § 7. Prior: 1933 c 1 § 22, part; RRS § 5114-22, part.]
- (1) “election” changed to “primary or election, general or special” to reflect session law intent.
- (2) “as hereinafter provided” changed to “as provided in RCW 29.59.070” at end of section to conform to latest law.
- 29.59.020 Source—[1955 c 168 § 5. Prior: 1895 c 156 § 1, part; Code 1881 § 3069, part; 1865 p 31 § 2, part; RRS § 5159, part.]
- 29.59.030 Source—[Code 1881 § 3081; 1865 p 34 § 6; RRS § 5325.]
- 29.59.040 Source—[1961 c 225 § 1; 1947 c 77 § 4; Rem. Supp. 1947 § 5332-1.]
- (1) “election” changed to “primary or election, general or special” to reflect session law intent.
- 29.59.050 Source—[(i) Code 1881 § 3083; 1865 p 34 § 8; RRS § 5327. (ii) 1905 c 39 § 2; 1893 c 114 § 1; Code 1881 § 3085; 1865 p 36 § 10; RRS § 5329.]
- 29.59.060 Source—[Code 1881 § 3086; 1865 p 36 § 11; RRS § 5330.]
- (1) “or disfranchised” restored following “remains unpar-doned”.
- 29.59.070 Source—[1961 c 225 § 2; 1955 c 181 § 9.]

Chapter 29.62 Canvassing the Returns

- 29.62.010 Source—[1961 c 130 § 10. Prior: (i) 1907 c 209 § 24, part; RRS § 5201, part. (ii) Code 1881 § 3096, part; 1866 p 6 § 2, part; 1865 p 39 § 7, part; RRS § 5343, part.]
- 29.62.020 Source—[1957 c 195 § 15. Prior: 1919 c 163 § 21, part; Code 1881 § 3095, part; 1868 p 20 § 1, part; 1865 p 39 § 6, part; RRS § 5340, part.]
- 29.62.030 Source—[1957 c 195 § 16. Prior: (i) Code 1881 § 3098; 1865 p 39 § 8; RRS § 5345. (ii) 1919 c 163 § 21, part; Code 1881 § 3095, part; 1868 p 20 § 1, part; 1865 p 39 § 6, part; RRS § 5340, part.]
- 29.62.040 Source—[1957 c 195 § 17. Prior: (i) 1919 c 163 § 21, part; Code 1881 § 3095, part; 1868 p 20 § 1, part; 1865 p 39 § 6, part; RRS

Explanatory
note.

- § 5340, part. (ii) 1893 c 112 § 2; RRS § 5342. (iii) 1903 c 85 § 1, part; Code 1881 § 3094, part; 1865 p 38 § 4, part; RRS § 5339, part.]
- 29.62.050 Source—[1951 c 193 § 1; 1917 c 7 § 1, part; 1913 c 58 § 15, part; RRS § 5315, part.]
(1) "election" changed to "primary or election" in first sentence to reflect session law intent.
- 29.62.060 Source—[1951 c 193 § 2; 1917 c 7 § 1, part; 1913 c 58 § 15, part; RRS § 5315, part.]
(1) "participating in the primary or" added following "political party" in first sentence to reflect session law intent.
- 29.62.070 Source—[1951 c 193 § 3; 1917 c 7 § 1, part; 1913 c 58 § 15, part; RRS § 5315, part.]
- 29.62.080 Source—[1961 c 130 § 13. Prior: (i) Code 1881 § 3097; 1866 p 7 § 3; RRS § 5344. (ii) Code 1881 § 3104; 1865 p 41 § 15; RRS § 5349.]
- 29.62.090 Source—[(i) 1895 c 156 § 12; Code 1881 § 3101; 1865 p 40 § 12; RRS § 5346. (ii) Code 1881 § 3103; 1865 p 41 § 14; RRS § 5348.]
(1) "embracing more than one county" stricken following "districts" to reflect session law intent.
- 29.62.100 Source—[1961 c 130 § 11. Prior: 1907 c 209 § 24, part; RRS § 5201, part.]
- 29.62.110 Source—[1961 c 130 § 12. Prior: 1907 c 209 § 24, part; RRS § 5201, part.]
(1) "in no event" changed to "in any event"; terminology correction.
- 29.62.120 Source—[Code 1881 § 3100, part; No RRS.]
(1) Other part codified in 29.27.110.
- 29.62.130 Source—[(1) 1913 c 138 § 30; RRS § 5426. (ii) 1917 c 23 § 1; RRS § 5341.]
- 29.62.140 Source—[1943 c 25 § 2, part; 1911 c 116 § 7, part; Rem. Supp. 1943 § 9096, part. See also 29.04.010 and 29.13.040.]
(1) Other parts codified as 29.21.030, 29.21.040, 29.21.050 and 29.21.130 and in 29.21.090 and 29.21.150.
(2) "city clerk" changed to "county auditor" to conform to later law.
(3) "on the day following the primary or election the city clerk shall canvass the returns and" changed to "at such time as provided by RCW 29.62.020, the county canvassing board shall canvass the returns of the primary or election, and the county auditor, upon receipt of the certificate of canvass shall" to conform to later law.
- 29.62.150 Source—[1933 c 1 § 29; RRS § 5114-29.]
(1) "election(s)" changed to "primary(ies) or election(s)" throughout to reflect session law intent.

Chapter 29.64 Statutory Recount Proceedings

- 29.64.010 Source—[1963 ex.s. c 25 § 1; 1961 c 50 § 1; 1955 c 215 § 1.]
- 29.64.015 Source—[1963 ex.s. c 25 § 2.]
- 29.64.020 Source—[1961 c 50 § 2; 1955 c 215 § 2.]
(1) "\$.02" changed to "two cents"; RCW form.
- 29.64.030 Source—[1961 c 50 § 3; 1955 c 215 § 3.]
- 29.64.040 Source—[1955 c 215 § 4.]
- 29.64.050 Source—[1955 c 215 § 5.]
- 29.64.060 Source—[1955 c 215 § 6.]
- 29.64.070 Source—[1955 c 215 § 7.]
- 29.64.900 Source—[1955 c 215 § 8.]

Chapter 29.65 Contests

- 29.65.010 Source—[1959 c 329 § 26. Prior: (i) Code 1881 § 3105; 1865 p 42 § 1; RRS § 5366. (ii) Code 1881 § 3109; 1865 p 43 § 5; RRS § 5370.]

- 29.65.020 Source—[(i) Code 1881 § 3110; 1865 p 43 § 6; RRS § 5371. (ii) Code 1881 § 3112; 1865 p 44 § 8; RRS § 5373.] Explanatory note.
 (1) “district” added after “county” in subsection (1) to conform to later law (29.65.010).
 (2) “complaint” restored to “written statement of contest” in first paragraph, “statement of contest” in subsection (4).
 (3) “the basis of the contest” restored to “the particular proceedings or cause for which such election is contested” in last paragraph.
- 29.65.030 Source—[1917 c 7 § 1, part; 1913 c 58 § 15, part; RRS § 5315, part.]
 (1) Other parts codified as 29.33.230 and (as subsequently amended) as 29.62.050, 29.62.060 and 29.62.070.
 (2) Section edited to reflect session law application to primary elections.
- 29.65.040 Source—[(i) Code 1881 § 3113; 1865 p 44 § 9; RRS § 5374. (ii) Code 1881 § 3114; 1865 p 45 § 10; RRS § 5375.]
 (1) Session law language restored to reflect legislative intent.
- 29.65.050 Source—[(i) Code 1881 § 3115; 1865 p 45 § 11; RRS § 5376. (ii) Code 1881 § 3116; 1865 p 45 § 12; RRS § 5377. (iii) Code 1881 § 3117; 1865 p 45 § 13; RRS § 5378. Former parts of section: (i) Code 1881 § 3119; 1865 p 45 § 15; RRS § 5379, now codified in 29.65.055. (ii) Code 1881 § 3120; 1865 p 45 § 16; RRS § 5380, now codified in 29.65.055.]
 (1) RCW section consisting of five session law parts has been restored and divided into this and a new RCW section, 29.65.055.
- 29.65.055 Source—[(i) Code 1881 § 3119; 1865 p 45 § 15; RRS § 5379, formerly RCW 29.65.050, part. (ii) Code 1881 § 3120; 1865 p 45 § 16; RRS § 5380, formerly 29.65.050, part.]
 (1) New RCW section; see 29.65.050(1) above.
- 29.65.060 Source—[Code 1881 § 3106; 1865 p 43 § 2; RRS § 5367.]
- 29.65.070 Source—[Code 1881 § 3107; 1865 p 43 § 3; RRS § 5368.]
- 29.65.080 Source—[Code 1881 § 3111, part; 1865 p 44 § 7, part; RRS § 5372, part.]
 (1) Other part codified as 29.65.090.
- 29.65.090 Source—[Code 1881 § 3111, part; 1865 p 44 § 7, part; RRS § 5372, part.]
 (1) Other part codified as 29.65.080.
- 29.65.100 Source—[Code 1881 § 3108; 1865 p 43 § 4; RRS § 5369.]
- 29.65.110 Source—[(i) Code 1881 § 3122; 1865 p 46 § 18; RRS § 5381. (ii) Code 1881 § 3123, part; 1865 p 46 § 19, part; RRS § 5382, part.]
 (1) Other part of Code 1881 § 3123 codified as 29.65.120.
- 29.65.120 Source—[Code 1881 § 3123, part; 1865 p 46 § 19, part; RRS § 5382, part.]
 (1) Other part codified in 29.65.110.
- 29.65.130 Source—[1907 c 209 § 25, part; RRS § 5202, part.]
 (1) Other part codified in 29.04.030.

Chapter 29.68 U.S. Congressional Elections

- 29.68.005 Source—[1959 c 288 § 1; 1957 c 149 § 6.]
- 29.68.007 Source—[1957 c 149 § 7.]
 (1) “this act” changed to “this chapter”, the session law being added thereto.
- 29.68.011 Source—[1957 c 149 § 2. Prior: RCW 29.68.010; 1931 c 28 § 1; RRS § 3792; prior: 1913 c 94 § 1; 1907 c 181 § 1.]
- 29.68.021 Source—[1957 c 149 § 3. Prior: RCW 29.68.020; 1931 c 28 § 2; RRS § 3793; prior: 1913 c 94 § 2; 1907 c 181 § 2.]
- 29.68.030 Source—[1931 c 28 § 3; RRS § 3794. Prior: 1913 c 94 § 3; 1907 c 181 § 3.]
- 29.68.040 Source—[1931 c 28 § 4; RRS § 3795. Prior: 1913 c 94 § 4.]
- 29.68.050 Source—[1931 c 28 § 5; RRS § 3796. Prior: 1913 c 94 § 5.]

- Explanatory note.
- 29.68.062 Source—[1959 c 288 § 2. Prior: RCW 29.68.061; 1957 c 149 § 4; prior: RCW 29.68.060; 1931 c 28 § 6; RRS § 3796-1.]
- 29.68.066 Source—[1959 c 288 § 3. Prior: RCW 29.68.065; 1957 c 149 § 5.]
- 29.68.070 Source—[1921 c 33 § 1; RRS § 3798.]
- 29.68.080 Source—[1915 c 60 § 1; 1909 ex.s. c 25 § 1; RRS § 3799.]
(1) "existing by death, resignation, disability or failure to qualify" restored following "vacancy" where first used in section.
- 29.68.090 Source—[(i) 1909 ex.s. c 25 § 2, part; RRS § 3800, part. (ii) 1909 ex.s. c 25 § 3, part; RRS § 3801, part.]
(1) Other part of 1909 ex.s. c 25 § 2 codified as 29.68.100.
(2) Other parts of 1909 ex.s. c 25 § 3 codified as 29.68.110 and 29.68.120.
(3) "No name shall be printed on the primary ballots that shall not have been filed with the secretary of state at least ten days before the special primary" added as last sentence, restoring omitted session law part of 1909 ex.s. c 25 § 3.
- 29.68.100 Source—[1909 ex.s. c 25 § 2, part; RRS § 3800, part.]
(1) Other part codified in 29.68.090.
- 29.68.110 Source—[1909 ex.s. c 25 § 3, part; RRS § 3801, part.]
(1) Other parts codified as 29.68.120 and in 29.68.090.
- 29.68.120 Source—[1909 ex.s. c 25 § 3, part; RRS § 3801, part.]
(1) Other parts codified as 29.68.110 and in 29.68.090.
- 29.68.130 Source—[1909 ex.s. c 25 § 4; RRS § 3802.]
(1) "this chapter" changed to "RCW 29.68.080 through 29.68.120" to reflect session law intent.
(2) "applicable" restored to "not inconsistent therewith, and shall be construed with and as a part thereof for the purpose of carrying out the spirit and intent thereof".

Chapter 29.71 U. S. Presidential Electors

- 29.71.010 Source—[1891 c 148 § 1; RRS § 5138.]
- 29.71.020 Source—[1935 c 20 § 1; RRS § 5138-1.]
- 29.71.030 Source—[1935 c 20 § 2; RRS § 5139. Prior: 1891 c 148 § 2.]
- 29.71.040 Source—[1909 c 22 § 1; 1891 c 148 § 3; RRS § 5140.]
- 29.71.050 Source—[1891 c 148 § 4; RRS § 5141.]

Chapter 29.74 U. S. Constitutional Amendment Conventions

- 29.74.010 Source—[1933 c 181 § 1, part; RRS § 5249-1, part.]
(1) Other parts codified as 29.74.020, 29.74.040 and in 29.74.030.
- 29.74.020 Source—[1933 c 181 § 1, part; RRS § 5249-1, part.]
(1) Other parts codified as 29.74.010 and 29.74.040 and in 29.74.030.
- 29.74.030 Source—[(i) 1933 c 181 § 1, part; RRS § 5249-1, part. (ii) 1933 c 181 § 9; RRS § 5249-9.]
(1) Other parts of 1933 c 181 § 1 codified as 29.74.010, 29.74.020, and 29.74.040.
- 29.74.040 Source—[1933 c 181 § 1, part; RRS § 5249-1, part.]
(1) Other parts codified as 29.74.010 and 29.74.020 and in 29.74.030.
- 29.74.050 Source—[1933 c 181 § 2; RRS § 5249-2.]
- 29.74.060 Source—[1933 c 181 § 3; RRS § 5249-3.]
- 29.74.070 Source—[1933 c 181 § 4, part; RRS § 5249-4, part.]
(1) Other part codified as 29.74.080.
(2) "except as otherwise in this chapter provided" restored following "conducted".
- 29.74.080 Source—[1933 c 181 § 4, part; RRS § 5249-4, part.]
(1) Other part codified as 29.74.070.
- 29.74.090 Source—[1933 c 181 § 5; RRS § 5249-5.]
- 29.74.100 Source—[1933 c 181 § 6; RRS § 5249-6.]

- 29.74.110 Source—[1933 c 181 § 7, part; RRS § 5249-7, part.] Explanatory
(1) Other part codified in 29.74.130. note.
- 29.74.120 Source—[1933 c 181 § 8, part; RRS § 5249-8, part.]
(1) Other part codified in 29.74.130.
- 29.74.130 Source—[(i) 1933 c 181 § 7, part; RRS § 5249-7, part. (ii) 1933 c
181 § 8, part; RRS § 5249-8, part.]
(1) Other part of 1933 c 181 § 7 codified as 29.74.110.
(2) Other part of 1933 c 181 § 8 codified as 29.74.120.
- 29.74.140 Source—[1933 c 181 § 10; RRS § 5249-10.]
- 29.74.150 Source—[1933 c 181 § 11; RRS § 5249-11.]

Chapter 29.79 Initiative and Referendum

Chapter Note: RCW sections 29.79.3502 through 29.79.430 are decodified and herein enacted as new chapter, 29.81, Voter's Pamphlet.

- 29.79.010 Source—[1913 c 138 § 1, part; RRS § 5397, part.]
(1) Other parts codified as 29.79.030 and in 29.79.020.
(2) "of the state" restored following "legal voters".
- 29.79.020 Source—[(i) 1913 c 138 § 1, part; RRS § 5397, part. (ii) 1913
c 138 § 6, part; RRS § 5402, part. (iii) 1913 c 138 § 5, part;
RRS § 5401, part. (iv) 1913 c 138 § 7, part; RRS § 5403, part.]
(1) Other parts of 1913 c 138 § 1 codified as 29.79.010 and
29.79.030.
(2) Other part of 1913 c 138 § 6 codified as 29.79.100.
(3) Other part of 1913 c 138 § 5 codified as 29.79.090.
(4) Other part of 1913 c 138 § 7 codified as 29.79.110.
- 29.79.030 Source—[1913 c 138 § 1, part; RRS § 5397, part.]
(1) Other parts codified as 29.79.010 and in 29.79.020.
- 29.79.040 Source—[1953 c 242 § 2; 1913 c 138 § 2; RRS § 5398.]
- 29.79.050 Source—[1913 c 138 § 3, part; RRS § 5399, part.]
(1) Other part codified as 29.79.060.
- 29.79.060 Source—[1913 c 138 § 3, part; RRS § 5399, part.]
(1) Other part codified as 29.79.050.
- 29.79.070 Source—[1913 c 138 § 4, part; RRS § 5400, part.]
(1) Other part codified in 29.79.080.
- 29.79.080 Source—[(i) 1913 c 138 § 4, part; RRS § 5400, part. (ii) 1913 c 138
§ 9; RRS § 5405.]
(1) Other part of 1913 c 138 § 4 codified as 29.79.070.
- 29.79.090 Source—[1913 c 138 § 5, part; RRS § 5401, part.]
(1) Other part codified in 29.79.020.
- 29.79.100 Source—[1913 c 138 § 6, part; RRS § 5402, part.]
(1) Other part codified in 29.79.020.
- 29.79.110 Source—[1913 c 138 § 7, part; RRS § 5403, part.]
(1) Other part codified in 29.79.020.
- 29.79.120 Source—[1913 c 138 § 11, part; RRS § 5407, part. See also Art.
2, Sec. 1(A), Amendment 30, state Constitution (L. 1955, p.
1860, S.J.R. No. 4).]
(1) Other parts codified as 29.79.130 and in 29.79.150.
(2) Section revised to reflect contents of Art. 2, Sec. 1(A),
Amendment 30, state Constitution.
- 29.79.130 Source—[1913 c 138 § 11, part; RRS § 5407, part.]
(1) Other parts codified as 29.79.120 and in 29.79.150.
- 29.79.140 Source—[1913 c 138 § 12, part; RRS § 5408, part.]
(1) Other part codified in 29.79.150.
- 29.79.150 Source—[(i) 1913 c 138 § 11, part; RRS § 5407, part. (ii) 1913
c 138 § 12, part; RRS § 5408, part.]
(1) Other parts of 1913 c 138 § 11 codified as 29.79.120 and
29.79.130.
(2) Other part of 1913 c 138 § 12 codified as 29.79.140.

Explanatory
note.

- 29.79.160 Source—[1913 c 138 § 13, part; RRS § 5409, part.]
(1) Other parts codified as 29.79.170 and 29.79.180.
(2) "and matters" restored following "other cases" in first paragraph.
- 29.79.170 Source—[1913 c 138 § 13, part; RRS § 5409, part.]
(1) Other parts codified as 29.79.160 and 29.79.180.
- 29.79.180 Source—[1913 c 138 § 13, part; RRS § 5409, part.]
(1) Other parts codified in 29.79.160 and 29.79.170.
- 29.79.190 Source—[1913 c 138 § 14; RRS § 5410.]
- 29.79.200 Source—[1933 c 144 § 1; 1913 c 138 § 15; RRS § 5411.]
(1) "registered voters" restored to "legal voters".
- 29.79.210 Source—[1913 c 138 § 17; RRS § 5413.]
(1) "registered voters" restored to "legal voters".
- 29.79.220 Source—[1933 c 144 § 3; 1913 c 138 § 18; RRS § 5414.]
(1) RCW reference in section enlarged to reflect session law intent.
- 29.79.230 Source—[1913 c 138 § 19; RRS § 5415.]
- 29.79.240 Source—[1933 c 144 § 2; 1913 c 138 § 16; RRS § 5412.]
- 29.79.250 Source—[1913 c 138 § 20, part; RRS § 5416, part.]
(1) Other part codified as 29.79.260.
- 29.79.260 Source—[1913 c 138 § 20, part; RRS § 5416, part.]
(1) Other part codified as 29.79.250.
(2) "he" changed to "the secretary of state" for clarification.
- 29.79.270 Source—[1913 c 138 § 21; RRS § 5417.]
- 29.79.280 Source—[1913 c 138 § 22, part; RRS § 5418, part.]
(1) Other part codified as 29.79.290.
- 29.79.290 Source—[1913 c 138 § 22, part; RRS § 5418, part.]
(1) Other part codified as 29.79.280.
- 29.79.300 Source—[1913 c 138 § 23; RRS § 5419.]
- 29.79.310 Source—[1913 c 138 § 24; RRS § 5420.]
- 29.79.320 Source—[1913 c 138 § 25; RRS § 5421.]
- 29.79.440 Source—[1913 c 138 § 31, part; RRS § 5427, part. Formerly also 29.79.450, 29.79.460 and 29.79.470.]
(1) Session law section codified herein, in 29.79.450, 29.79.460 and 29.79.470 is restored as one section.
- 29.79.450 Source—[1913 c 138 § 31, part; RRS § 5427, part.]
(1) Decodified; see 29.79.440(1) above.
- 29.79.460 Source—[1913 c 138 § 31, part; RRS § 5427, part.]
(1) Decodified; see 29.79.440(1) above.
- 29.79.470 Source—[1913 c 138 § 31, part; RRS § 5427, part.]
(1) Decodified; see 29.79.440(1) above.
- 29.79.480 Source—[1913 c 138 § 32, part; RRS § 5428, part.]
(1) Other part codified as 29.79.490.
(2) "this chapter" changed to "this chapter or chapter 29.81 RCW" to conform to new chapter placement.
- 29.79.490 Source—[1913 c 138 § 32, part; RRS § 5428, part.]
(1) Other part codified as 29.79.480.

Chapter 29.80 Candidates' Pamphlet

- 29.80.010 Source—[1959 c 329 § 19.]
- 29.80.020 Source—[1959 c 329 § 20.]
- 29.80.030 Source—[1959 c 329 § 21.]
- 29.80.040 Source—[1959 c 329 § 22.]
(1) "sections 1 and 2 of this act [RCW 29.80.010 and 29.80.020]" changed to "RCW 29.80.010 and 29.80.020".
- 29.80.050 Source—[1959 c 329 § 23.]
- 29.80.060 Source—[1959 c 329 § 24.]
- 29.80.070 Source—[1959 c 329 § 25.]

Chapter 29.81 Voters' Pamphlet

Explanatory
note.

- 29.81.010 Source—[1959 c 329 § 1. Formerly RCW 29.79.3502.]
(1) RCW reference in section changed to comply with new placement.
- 29.81.020 Source—[1959 c 329 § 2. Formerly RCW 29.79.3506.]
(1) RCW references in section changed to comply with new placement.
(2) "this amendatory act" changed to "this chapter".
- 29.81.030 Source—[1959 c 329 § 3. Formerly RCW 29.79.3510.]
- 29.81.040 Source—[1959 c 329 § 4. Formerly RCW 29.79.3514.]
- 29.81.050 Source—[1959 c 329 § 5. Formerly RCW 29.79.3518.]
- 29.81.060 Source—[1959 c 329 § 6. Formerly RCW 29.79.3522.]
(1) RCW references in section changed to comply with new placement.
- 29.81.070 Source—[1959 c 329 § 7. Formerly RCW 29.79.3526.]
(1) "this amendatory act" changed to "this chapter".
- 29.81.080 Source—[1959 c 329 § 8. Formerly RCW 29.79.3530.]
- 29.81.090 Source—[1959 c 329 § 18. Prior: 1933 c 144 § 4, part; 1929 c 130 § 1, part; 1913 c 138 § 26, part; RRS § 5422, part. Formerly RCW 29.79.360.]
- 29.81.100 Source—[1959 c 329 § 10. Prior: 1917 c 30 § 1, part; 1913 c 138 § 27, part; RRS § 5423, part. Formerly RCW 29.79.370.]
- 29.81.110 Source—[1959 c 329 § 11. Prior: 1917 c 30 § 1, part; 1913 c 138 § 27, part; RRS § 5423, part. Formerly RCW 29.79.380.]
- 29.81.120 Source—[1959 c 329 § 12. Prior: 1917 c 30 § 1, part; 1913 c 138 § 27, part; RRS § 5423, part. Formerly RCW 29.79.390.]
- 29.81.130 Source—[1959 c 329 § 13. Prior: 1917 c 30 § 1, part; 1913 c 138 § 27, part; RRS § 5423, part. Formerly RCW 29.79.400.]
- 29.81.140 Source—[1913 c 138 § 29, part; RRS § 5425, part. Formerly RCW 29.79.410.]
(1) Other parts codified as 29.81.150, 29.81.160 and in 29.48.030.
- 29.81.150 Source—[1913 c 138 § 29, part; RRS § 5425, part. Formerly RCW 29.79.420.]
(1) Other parts codified as 29.81.140, 29.81.160 and in 29.48.030.
- 29.81.160 Source—[1913 c 138 § 29, part; RRS § 5425, part. Formerly RCW 29.79.430.]
(1) Other parts codified as 29.81.140 and 29.81.150 and in 29.48.030.

Chapter 29.82 The Recall

- 29.82.010 Source—[1913 c 146 § 1; RRS § 5350. Former part of section: 1913 c 146 § 2; RRS § 5351, now codified in RCW 29.82.015.] [SLC-RO-2.]
(1) Initial word in section, "That", deleted.
- 29.82.015 Source—[1913 c 146 § 2; RRS § 5351. Formerly RCW 29.82.010, part.] [SLC-RO-2.]
- 29.82.020 Source—[1913 c 146 § 3; RRS § 5352.] [SLC-RO-2.]
- 29.82.030 Source—[1913 c 146 § 4; RRS § 5353.]
(1) "registered voter" restored to "legal voter".
- 29.82.040 Source—[1913 c 146 § 6; RRS § 5355.]
- 29.82.050 Source—[1913 c 146 § 7; RRS § 5356.]
(1) "registered voters" restored to "legal voters".
(2) "public corporation" restored to "political subdivision".
- 29.82.060 Source—[1913 c 146 § 8, part; RRS § 5357, part.]
(1) Other part codified as 29.82.070.
- 29.82.070 Source—[1913 c 146 § 8, part; RRS § 5357, part.]
(1) Other part codified as 29.82.060.
- 29.82.080 Source—[1913 c 146 § 9, part; RRS § 5358, part.]
(1) Other parts codified as 29.82.090, 29.82.100 and 29.82.110.

- Explanatory note.**
- 29.82.090 Source—[1913 c 146 § 9, part; RRS § 5358, part.]
 (1) Other parts codified as 29.82.080, 29.82.100 and 29.82.110.
 (2) "registered voters" restored to "legal voters".
- 29.82.100 Source—[1913 c 146 § 9, part; RRS § 5358, part.]
 (1) Other parts codified as 29.82.080, 29.82.090 and 29.82.110.
 (2) "registered voter" restored to "legal voter".
- 29.82.110 Source—[1913 c 146 § 9, part; RRS § 5358, part.]
 (1) Other parts codified as 29.82.080, 29.82.090 and 29.82.100.
 (2) "registered voter" restored to "legal voter".
- 29.82.120 Source—[1913 c 146 § 10; RRS § 5359.]
 (1) "registered voter" restored to "legal voter".
- 29.82.130 Source—[1913 c 146 § 11; RRS § 5360. See also RCW 29.48.040.]
- 29.82.140 Source—[1913 c 146 § 12; RRS § 5361.]
- 29.82.150 Source—[1913 c 146 § 13; RRS § 5362.]
- 29.82.160 Source—[1913 c 146 § 14; RRS § 5363.]
 (1) "public corporation" restored to "political subdivision".
- 29.82.170 Source—[1913 c 146 § 15; RRS § 5364.]
 (1) Session law section codified herein, in 29.82.180, 29.82.190 and 29.82.200 is restored as one section.
- 29.82.180 Source—[1913 c 146 § 15, part; RRS § 5364, part.]
 (1) Decodified; see 29.82.170(1) above.
- 29.82.190 Source—[1913 c 146 § 15, part; RRS § 5364, part.]
 (1) Decodified; see 29.82.170(1) above.
- 29.82.200 Source—[1913 c 146 § 15, part; RRS § 5364, part.]
 (1) Decodified; see 29.82.170(1) above.
- 29.82.210 Source—[1953 c 113 § 1. Prior: 1913 c 146 § 16, part; RRS § 5365, part.]
- 29.82.220 Source—[1953 c 113 § 2. Prior: 1913 c 146 § 16, part; RRS § 5365, part.]

Chapter 29.85 Crimes and Penalties

- 29.85.010 Source—[1893 c 115 § 2; RRS § 5396.]
 (1) "intrusted" corrected to "entrusted".
 (2) "guilty of a misdemeanor and shall upon conviction thereof be" restored before "sentenced".
- 29.85.020 Source—[1911 c 89 § 1, part; Code 1881 § 906; 1873 p 205 § 105; 1854 p 93 § 96; RRS § 5387.]
 (1) 1911 c 89 § 1 amended seven Rem. & Bal. sections which codifications have subsequently treated as individual sections, although combining some.
- 29.85.030 Source—[Code 1881 § 3146; 1865 p 51 § 7; No RRS.]
- 29.85.040 Source—[1893 c 115 § 1; RRS § 5395.]
 (1) "guilty of a misdemeanor and upon conviction thereof shall be" restored before "sentenced".
- 29.85.050 Source—[Code 1881 § 902; 1873 p 204 § 101; 1854 p 92 § 92; RRS § 5390.]
- 29.85.060 Source—[(i) 1911 c 89 § 1, part; Code 1881 § 904; 1873 p 204 § 103; 1854 p 93 § 94; RRS § 5386. (ii) 1911 c 89 § 1, part; 1901 c 142 § 1; Code 1881 § 909; 1873 p 205 § 106; 1865 p 50 § 1; 1854 p 93 § 97; RRS § 5388.]
 (1) As to 1911 c 89 § 1, part, see 29.85.020(1) above.
 (2) "pursuant to law" restored to "pursuant to the laws of the state".
- 29.85.070 Source—[Code 1881 § 3140; RRS § 5389.]
- 29.85.080 Source—[Code 1881 § 3148; RRS § 5394.]
 (1) "in any election hereinafter mentioned, under the laws of this state" restored following "candidate for office".
 (2) ", state, county, municipal, whatever" restored following "public officer".
 (3) "be deemed guilty of a misdemeanor and" restored before ", on conviction".

- 29.85.090 Source—[1907 c 209 § 32; RRS § 5207.] Explanatory
 (1) “, directly or indirectly, any money, intoxicating liquor, note.
 or” restored following “or demands”.
 (2) “at the polls or other place prior to or on the day of any
 primary election” restored following “other person”.
- 29.85.100 Source—[1889 p 411 § 30; RRS § 5295.]
- 29.85.110 Source—[(i) 1889 p 412 § 31; RRS § 5296.]
 (1) 1935 c 108 § 3, part, decodified; reunited with other part as
 29.85.230.
 (2) Session law language restored after “conveniences” to read
 “placed in the voting booths for the purpose of enabling the
 voter to prepare his ballot, or who, prior to or on election
 day, wilfully defaces or destroys any posted list of candidates,
 or during an election tears down or defaces cards of instruc-
 tion for voters shall . . .”
- 29.85.120 Source—[1911 c 116 § 8; RRS § 9097.]
- 29.85.130 Source—[1911 c 116 § 9; RRS § 9098.]
 (1) Session law language restored after “upon conviction,” to
 read “be guilty of a misdemeanor and fined a sum of not
 less than one hundred dollars nor more than five hundred
 dollars and be imprisoned in the county jail . . .”
- 29.85.140 Source—[1907 c 209 § 35; RRS § 5210.]
- 29.85.150 Source—[Code 1881 § 910; 1873 p 205 § 107; RRS § 5391.]
- 29.85.160 Source—[1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313,
 part.]
 (1) Other parts codified as 29.51.130, 29.51.140, 29.51.150, 29.51.160,
 29.51.200 and in 29.48.030, 29.51.070, 29.51.190, 29.51.220 and
 29.51.050 .
- 29.85.170 Source—[(i) 1889 p 412 § 32; RRS § 5297. (ii) 1911 c 89 § 1, part;
 Code 1881 § 912; 1877 p 205 § 2; RRS § 5392.]
 (1) As to 1911 c 89 § 1, see 29.85.020(1) above.
- 29.85.180 Source—[1907 c 209 § 34; RRS § 5209.]
- 29.85.190 Source—[1933 c 1 § 26; RRS § 5114-26. Prior: 1889 p 418 § 15;
 RRS § 5133.]
 (1) RCW section rewritten to restore session law content.
- 29.85.200 Source—[1933 c 1 § 27; RRS § 5114-27. Prior: 1893 c 45 § 5; 1889
 p 418 § 16; RRS § 5136.]
- 29.85.210 Source—[1911 c 89 § 1, part; Code 1881 § 903; 1873 p 204 § 102;
 1865 p 51 § 5; 1854 p 93 § 93; RRS § 5383.]
 (1) See 29.85.020(1) above.
 (2) “shall be punished as for a gross misdemeanor, and also
 adjudged incapable” restored to “shall be guilty of a gross mis-
 demeanor, and shall be incapable”.
- 29.85.220 Source—[1911 c 89 § 1, part; Code 1881 § 911; 1873 p 205 § 108;
 RRS § 5385.]
 (1) See 29.85.020(1) above.
- 29.85.230 Source—[1935 c 108 § 3, part; RRS § 5339-3, part.]
 (1) See 29.85.110(1) above.
 (2) “for any person to remove or deface the posted copy of
 the result of votes cast at their precinct or” added following
 “misdemeanor” on restoration of section part.
- 29.85.240 Source—[1911 c 89 § 1, part; Code 1881 § 905; 1873 p 204 § 104;
 1865 p 51 § 4; 1854 p 93 § 95; RRS § 5384.]
 (1) See 29.85.020(1) above.
 (2) “for any office whatever” restored following “in this state”.
- 29.85.250 Source—[1935 c 100 § 2; RRS § 5291-2.]
 (1) Decodified; see 29.51.215 above.
- 29.85.260 Source—[1913 c 58 § 16; RRS § 5316.]
 (1) “guilty of a felony and shall be” restored before “pun-
 ished”.
- 29.85.270 Source—[1959 c 112 § 1; 1955 c 317 § 1.]
- 29.85.280 Source—[1955 c 317 § 2.]

Chapter 29.98 Construction

Explanatory
note.

- 29.98.010 This section has been added to preserve continuity with the laws which this bill reenacts.
- 29.98.020 Provides that chapter, etc., headings are not part of the law.
- 29.98.030 Severability.
- 29.98.040 Repeals and saving. Except as to certain obsolete or temporary sections, the laws set forth in the schedule of repeals were either repealed previously or are substantially reenacted in this bill.
- 29.98.050 Emergency clause.

CHAPTER 10.

[Second Substitute Senate Bill No. 34.]

NUCLEAR ENERGY.

AN ACT relating to nuclear industry; establishing a revolving fund designated the "perpetual maintenance fund"; amending section 43.31.040, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.31.040; amending section 4, chapter 207, Laws of 1961 and RCW 70.98.040; adding new sections to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.31 RCW; and declaring an emergency.

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

SECTION 1. There is added to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.31 RCW a new section to read as follows:

New section.

It is the intent of the legislature that the state through the department of commerce and economic development shall:

Nuclear industry, promotion of.

(1) Encourage, promote and cooperate in the development of the use of nuclear energy for peaceful and productive purposes;

Purpose—Scope.

(2) Translate the state's nuclear resources and position in the nuclear energy field from an exclusive federal base to one with a healthy private enterprise component;

(3) Stimulate the nuclear possibilities of the state by catalyzing the interest of industry; agriculture and education around the state's nuclear resources and opportunities;

(4) Acquire and operate property and facilities for the primary purpose of maintaining title or interest as the catalytic agent for activity and direct operation of nuclear energy facilities and byproducts thereof by others;

(5) Encourage the transfer of property and facilities to others who will directly operate nuclear facilities and processes, ensuring perpetual surveillance by the state where required by agreement with the federal government.

SEC. 2. Section 43.31.040, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.31.040 are each amended to read as follows:

RCW 43.31.040 amended.

The department of commerce and economic development shall be organized into divisions, including (1) the industrial development division, (2) the tourist promotion division, (3) the research division, (4) the nuclear energy development division, to be known as the "office of nuclear energy development," and others as required.

Divisions of department—
Supervisors,
assistants.

The director of commerce and economic development may appoint such division supervisors, managers, or executive directors, and clerical supervisors and other assistants as may be necessary for the general administration of the department.

SEC. 3. There is added to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.31 RCW a new section to read as follows:

New section.

The department of commerce and economic development through the appropriate division, in order to foster the state's economic growth, shall encourage, promote, and cooperate in the development of the use of nuclear energy for peaceful and productive purposes, and shall coordinate all nuclear development activities engaged in by state agencies and departments. The director shall appoint personnel with sufficient scientific and administrative qualifications

Departmental
duties—
Personnel—
Executive
director.

Nuclear industry, promotion of.

to further these purposes and to perform the duties and exercise the powers of the department in this regard. The person appointed as supervisor or manager of the division of nuclear energy development shall be known as the executive director of the office of nuclear energy development.

RCW 70.98.040 amended.

SEC. 4. Section 4, chapter 207, Laws of 1961 and RCW 70.98.040 are each amended to read as follows:

Nuclear energy promotion and development—Scope—Office of nuclear energy development.

The department of commerce and economic development through the division of nuclear energy development, known as the office of nuclear energy development, is hereby designated as the agency of state government for the promotion and development of nuclear energy in this state and shall, in addition to the powers and duties otherwise imposed by law, have the following general powers and duties:

(1) To advise the governor and the legislature with regard to the status of nuclear energy research, development, and education, and to make recommendations to the governor and the legislature designed to assure increasing progress in this field within the state.

(2) To advise and assist the governor and the legislature in developing and promoting a state policy for nuclear energy research, development, and education.

(3) To sponsor or conduct studies, collect and disseminate information, and issue periodic reports with regard to nuclear energy research, development, and education and proposals for further progress in the field of nuclear energy, and the power to acquire land and facilities for such purposes is specifically delegated to the department.

(4) To foster and support research and education relating to nuclear energy through contracts or other appropriate means of assistance.

(5) To gather, maintain, and disseminate available information concerning appropriate sites

throughout the state and the advantages of locating nuclear energy industries within the state.

(6) To keep the public informed with respect to nuclear energy development within the state and the activities of the state relating thereto.

SEC. 5. There is added to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.31 RCW a new section to read as follows:

New section.

The director of commerce and economic development through the division of nuclear energy development, known as the office of nuclear energy development, shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

Director's special powers and duties—Fees—"Perpetual maintenance fund".

(1) Expend such state funds as may be appropriated by the legislature in order to acquire, develop and operate land and facilities which the director believes will foster the development of the state's nuclear economic potential. Such acquisition may be by lease, dedication, purchase, or other arrangement: *Provided, however,* That nothing herein shall be deemed to authorize the state to acquire nuclear facilities or property to engage in competition with organizations or persons. The leasing from the Atomic Energy Commission of one thousand acres of land lying within the boundaries of the Hanford works near Richland, Washington, in a lease executed on September 10, 1964, is an example of the proper exercise of powers within the purposes of this chapter.

(2) Lease, sublease, or sell real and personal properties to public or private bodies on a competitive basis and at a fair market value when the director believes that such transactions will foster the development of the state's nuclear economic potential.

The director may, however, on a competitive basis lease real and personal properties at less than fair

Nuclear
industry, pro-
motion of.

market value on a short term basis if he believes that the long term gain to the state's economic growth justifies such an agreement. Where the lease or sale requires the lessee or purchaser to use the premises for the operation of a specific type of activity, the notice to bidders shall specify the type of business activity required. Final selection among bidders shall, subject to the provisions herein, be by the director with the advice and consent of the Governor's Advisory Council on Nuclear Energy and Radiation.

(3) Enter into contracts with state and private institutions within the state for the carrying out of basic research in such uses of nuclear energy as may be helpful to the economic development of the state.

(4) Assure the maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state of Washington against nuclear incidents that may occur on privately or state controlled nuclear facilities.

(5) Assume responsibility for perpetual surveillance and/or maintenance of radioactive materials held for waste management purposes at any publicly or privately operated facility located within the state, in the event the parties operating such facilities abandon said responsibility, and whenever the federal government or any of its agencies has not assumed said responsibility.

In order to finance such perpetual surveillance and maintenance as the director may undertake, he may collect fees from private or public parties holding radioactive materials for waste management purposes at a total charge of not less than five cents per cubic foot of space occupied by materials so held, stored, or buried: *Provided*, That in the event the estimated total of such fees will be insufficient to defray the estimated cost of administration of this

responsibility for any next ensuing fiscal biennium, the director may prescribe additional fees, not exceeding fifty cents per cubic foot, as may be necessary to defray estimated waste management expenses for future fiscal bienniums. All such fees, when received by the director, shall be transmitted to the state treasurer, who shall act as custodian. The treasurer shall place the money in a special account, in the nature of a revolving fund, which may be designated "perpetual maintenance fund," to be disbursed on authorization of the director, or his designated representative. Disbursement shall be made in the manner prescribed by chapter 42.24 RCW, and shall be subject to post audit by the state auditor. No appropriations shall be required to permit expenditures and payment of obligations from such fund, but the condition of the fund and its administration by the director shall be reported biennially to the legislature. Moneys in the perpetual maintenance fund shall be invested by the state finance committee in the manner as other state moneys: *Provided, however,* That any interest accruing as a result of investment shall accrue to the perpetual maintenance fund.

Additional moneys as may be specifically appropriated by the legislature, or received from any public or private source, may be placed in the perpetual maintenance fund. The perpetual maintenance fund shall be used exclusively for surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations.

(6) Enter into an agreement with the federal government or any of its authorized agencies to assume perpetual surveillance and/or maintenance of lands leased or purchased from the federal government or any of its authorized agencies and used as a burial or storage site for radioactive wastes.

SEC. 6. This act is necessary for the immediate Emergency. preservation of the public peace, health and safety,

Nuclear industry, promotion of.

the support of the state government and its existing public institutions, and shall take effect immediately.

Severability.

SEC. 7. 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. 8. There is added to chapter 8, Laws of 1965 (Senate Bill No. 4) and to chapter 43.31 RCW, a new section to read as follows:

Construction—State as catalytic agent.

This act shall be liberally construed to the end that the acquisition, development and operation of land and facilities will be for the purpose of the state maintaining its title or interest as the catalytic agent for operation of nuclear energy facilities and by-products thereof for basic research and a healthy private enterprise component.

Provisions cumulative—Rights preserved.

SEC. 9. The provisions of this act shall be cumulative and shall not impair or supersede the powers or rights of any person, firm or corporation or political subdivision of the state of Washington under any other law. The rights of all persons, firms, corporations and political subdivisions or operating units of any kind under existing contracts, renewals thereof or supplements thereto, with the United States, or any agency thereof, for power, are hereby preserved and such rights shall not be impaired or modified by any of the provisions of this act or any of the powers granted by this act.

Passed the Senate March 3, 1965.

Passed the House March 4, 1965.

Approved by the Governor March 8, 1965.

CHAPTER 11.

[House Bill No. 288.]

HARRISON MEMORIAL HOSPITAL.

AN ACT relating to acquisition or lease of certain property in Kitsap county by the department of institutions; providing for the remodeling or repair, and operation thereof as a multi-use facility for the mentally and physically deficient and the mentally ill; and declaring an emergency.

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

SECTION 1. The state facilities to provide community services to the mentally and physically deficient and the mentally ill are inadequate to meet the present demand. Great savings to the taxpayers can be achieved while helping to meet these worthwhile needs. It is therefore the purpose of this act to provide for acquisition or lease of Harrison Memorial Hospital property and facilities and the operation thereof as a multi-use facility for the mentally and physically deficient and the mentally ill.

Harrison Memorial Hospital—Acquisition of Purpose.

SEC. 2. The department of institutions is authorized to acquire by purchase, lease, or lease with option to purchase, and to accept a deed or execute a lease or lease and option to purchase in the name of the state of Washington, subject to the approval as to form by the attorney general, to that certain property located in Kitsap county and commonly known as Harrison Memorial Hospital, together with all necessary personal property, fixtures, and land.

Acquisition authorized—Procedure.

SEC. 3. After the acquisition of Harrison Memorial Hospital, the department of institutions is authorized to enter into contracts for the repair or remodeling of the hospital to the extent they are necessary and reasonable, in order to establish a multi-use facility for the mentally or physically deficient or the mentally ill. The director of the department of institutions is authorized to determine the most feasi-

Remodeling, use and operation after acquisition.

Harrison
Memorial
Hospital—Ac-
quisition of.

ble and desirable use of the facility and to operate the facility in the manner he deems most beneficial to the mentally and physically deficient, or the mentally ill, and is authorized, but not limited to programs for out-patient, diagnostic and referral, day care, vocational and educational services to the community which he determines are in the best interest of the state.

Emergency.

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 March 7, 1965.

Passed the Senate March 7, 1965.

Approved by the Governor March 11, 1965.

CHAPTER 12.

[Senate Bill No. 538.]

APPROPRIATION—LEGISLATIVE EXPENSES—
SUBSISTENCE.

AN ACT relating to the expenses and costs of the legislature including subsistence payments; making appropriations therefor; and declaring an emergency.

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

Appropriation.

SECTION 1. There is hereby appropriated out of the state general fund to the legislature the sum of three hundred and nine thousand six hundred twenty-five dollars (\$309,625), or so much thereof as may be necessary for the purpose of paying the expenses, except printing, of the legislature. From the amount hereby appropriated:

(1) The Senate shall not expend more than one hundred and thirty-six thousand three hundred twenty-five dollars (\$136,325); and

(2) The House of Representatives shall not expend more than one hundred and seventy-three thousand three hundred dollars (\$173,300): *Provided*, That none of the funds appropriated by this section shall be expended by or for the legislative council, the legislative budget committee, or any other legislative interim committee.

SEC. 2. There is hereby appropriated to the legislature out of the state general fund the sum of one hundred seventy-eight thousand eight hundred dollars (\$178,800) for payment to members of the legislature and the president of the senate at the statutory rate in lieu of subsistence and lodging while in attendance at the extraordinary session of the thirty-ninth legislature. Appropriation.

SEC. 3. There is hereby appropriated out of the state general fund to the legislature the sum of twelve thousand five hundred dollars (\$12,500), or so much thereof as may be necessary, for printing, indexing, binding and editing the session laws, Senate and House journals, and other printing, and binding public documents. Appropriation.

SEC. 4. This act is necessary for the immediate support of the state government and shall take effect immediately. Emergency.

Passed the Senate March 18, 1965.

Passed the House March 18, 1965.

Approved by the Governor March 19, 1965.

CHAPTER 13.

[Substitute House Bill No. 67.]

CHILD ABUSE—NEGLECT—REPORTING.

AN ACT relating to health and welfare of children and authorizing the reporting by practitioners of the healing arts of suspected cases of child abuse or neglect; and amending section 392, Code of 1881, and RCW 5.60.060; and declaring an emergency.

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

Child abuse, neglect, report of. Purpose.

SECTION 1. In order to protect children whose health and welfare may be adversely affected through the infliction, by other than accidental means, of physical injury and/or physical neglect, or sexual abuse, requiring the attention of a practitioner of the healing arts, the Washington state legislature hereby provides for the reporting of such cases by such practitioners to the appropriate public authorities. It is the intent of the legislature that, as a result of such reports, protective services shall be made available in an effort to prevent further abuses, and to safeguard and enhance the general welfare of such children.

Definitions.

SEC. 2. For the purpose of and as used in this act:

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice chiropody, chiropractic, dentistry, osteopathy and surgery, or medicine and surgery.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

Reports by practitioner.

SEC. 3. (1) When any practitioner has cause to believe that a child under the age of eighteen years brought before him or coming to him for examination, care, or treatment has had physical injury or injuries inflicted upon him, other than by accidental means, or who is found to be suffering from physical neglect, or sexual abuse, he may report such incident or cause a report to be made to the proper law enforcement agency as provided in section 4.

(2) When a practitioner is attending a child under the age of eighteen years as part of his regular duties as a staff member of an institution and has cause to believe that such child has had physical injury or injuries inflicted upon him other than by accidental means or who is found to be suffering from physical neglect, or sexual abuse, he may notify the person in charge of the institution or his designated representative, who may report the incident or cause such reporting to be made as provided in section 4.

Child abuse,
neglect, report
of.

SEC. 4. An immediate oral report may be made by telephone or otherwise to the proper law enforcement agency and may be followed by a report in writing. Such reports shall contain the following information, if known:

Oral, written
reports—
Contents.

(1) The name, address and age of the child;

(2) The name and address of the child's parents; stepparents; guardians or other persons having custody of the child;

(3) The nature and extent of the child's injury or injuries;

(4) The nature and extent of the child's physical neglect;

(5) The nature and extent of the sexual abuse;

(6) Any evidence of previous injuries, including their nature and extent; and

(7) Any other information which, in the opinion of the practitioner, may be helpful in establishing the cause of the child's injury or injuries and the identity of the perpetrator or perpetrators.

SEC. 5. Upon the receipt of a report concerning the possible nonaccidental infliction of a physical injury upon a child or physical neglect, or sexual abuse, it shall be the duty of the law enforcement agency to investigate and to refer such report to the court.

Investigations
and court re-
ferral after
report.

SEC. 6. Any person participating in the making of a report pursuant to this act or participating in a

Immunity
from civil
liability.

Child abuse, neglect, report of. Confidential communications, report not violation.

judicial proceeding resulting therefrom shall in so doing be immune from any civil liability that might otherwise be incurred or imposed. That the provisions of this act heretofore provided shall not be deemed violation of the patient-physician relationship or confidence.

RCW 5.60.060 amended.

SEC. 7. Section 392, Code of 1881, and RCW 5.60-.060 are each amended to read as follows:

Witnesses— Who are disqualified— Privileged communications.

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian.

(2) An attorney or counselor shall not, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment.

(3) A clergyman or priest shall not, without the consent of a person making the confession, be examined as to any confession made to him in his professional character, in the course of discipline enjoined by the church to which he belongs.

(4) A regular physician or surgeon shall not, without the consent of his patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him to prescribe or act for the patient, but this exception shall not apply in any judicial proceeding

regarding a child's injuries, neglect or sexual abuse, or the cause thereof.

(5) A public officer shall not be examined as a witness as to communications made to him in official confidence, when the public interest would suffer by the disclosure.

SEC. 8. This act is necessary for the immediate Emergency. preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 11, 1965.

Passed the Senate March 11, 1965.

Approved by the Governor March 19, 1965.

CHAPTER 14.

[House Bill No. 10.]

ECONOMIC OPPORTUNITY ACT—PARTICIPATION.

AN ACT authorizing participation in the Economic Opportunity Act of 1964; adding a new section to chapter 4, Laws of 1963 and to chapter 36.32 RCW; and declaring an emergency.

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

SECTION 1. There is added to chapter 4, Laws of 1963 and to chapter 36.32 RCW, a new section to read as follows: New section.

The board of county commissioners of any county is hereby authorized and empowered in its discretion by resolution or ordinance passed by a majority of the board, to take whatever action it deems necessary to enable the county to participate in the programs set forth in the Economic Opportunity Act of 1964 (Public Law 88-452; 78 Stat. 508). Such participation may be engaged in as a sole county operation or in conjunction or cooperation with the state, Economic opportunity act—Participation in, county action.

Economic opportunity act—
Participation in.

any other county, city, or municipal corporation, or any private corporation qualified under said Economic Opportunity Act.

State action.

SEC. 2. The governor, or his designee, is hereby authorized and empowered to take whatever action is necessary to enable the state to participate in the programs set forth in the Economic Opportunity Act of 1964 (Public Law 88-452; 78 Stat. 508). The governor, or his designee, is also authorized and empowered to accept and disburse federal grants or federal matching or other funds or donations from any source when made, granted or donated for a purpose covered by the said Economic Opportunity Act.

Emergency.

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

Passed the House March 3, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 15.

[House Bill No. 38.]

SPORTS STADIUM—PARTICIPATION.

AN ACT relating to the participation of counties and cities in the financing, acquisition, construction, operation, or maintenance of an all-purpose or multi-purpose sports stadium; authorizing the acquisition by condemnation or otherwise of necessary property therefor; authorizing an election; authorizing the issuance of bonds and matters incident thereto; prescribing powers, duties, and functions of public officers in relation thereto; and declaring an emergency.

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

Sports stadium—
Participation in "Municipality" defined.

SECTION 1. "Municipality" as used in this act, means any county or city of the state.

SEC. 2. The participation of any municipality in an all-purpose or multi-purpose sports stadium, whether acquired, constructed, or maintained within the boundaries of such municipality or within the boundaries of another municipality; the purchase, lease, condemnation, or other acquisition of necessary real property therefor; the acquisition by condemnation or otherwise, lease, construction, improvement, maintenance, and equipping of buildings or other structures upon such real property or other real property; the operation and maintenance necessary for such participation, and the exercise of any other powers herein granted to such municipalities, are hereby declared to be public, governmental, county and city functions, exercised for a public purpose, and matters of public necessity, and such real property and other property acquired, constructed, improved, maintained, equipped, and used by such municipalities in the manner and for the purposes enumerated in this act shall and are hereby declared to be acquired, constructed, improved, maintained, equipped, and used for public, governmental, county, and city purposes and as a matter of public necessity.

Participation
as public pur-
pose—Scope.

SEC. 3. Municipalities are authorized to participate solely or in conjunction with any other municipality in the financing, construction, acquisition, operation, and maintenance of an all-purpose or multi-purpose sports stadium, whether acquired, constructed, operated, or maintained within the boundaries of such municipality or within the boundaries of another municipality. Any municipality so participating is authorized, through its governing authorities, to purchase, lease, condemn, or otherwise acquire property, real or personal; to construct, improve, maintain and equip buildings or other structures; and expend moneys for investigations, planning, operations, and maintenance necessary for such participation.

Intergovern-
mental
participation.

Sports stadium—Participation in.

The cost of any such acquisition, condemnation, construction, improvement, maintenance, equipping, investigations, planning, operation, or maintenance necessary for such participation may be paid for by appropriation of moneys available therefor, gifts, or wholly or partly from the proceeds of bonds of the municipality, as the governing authority of the municipality may determine.

Election on participation, financing.

SEC. 4. The governing body of any municipality is hereby authorized and empowered in its discretion from time to time by resolution passed by the governing body to place before the voters of such municipality at any general or special election, or at a special election called for that purpose, for their approval or rejection, the proposition of whether or not the municipality shall participate solely or in conjunction with any other municipality in the construction or acquisition of an all-purpose or multi-purpose sports stadium and issue bonds in an amount specified in such proposition to finance the same.

Bonds to finance—Type—Issuance and retirement of.

SEC. 5. Any bonds to be issued by any municipality pursuant to the provisions of this act, shall be authorized and issued in the manner and within the limitations prescribed by the Constitution and laws of this state or charter of the municipality for the issuance and authorization of bonds thereof for public purposes generally which may be secured by a general tax levy as provided by law: *Provided*, That the provisions of RCW 39.44.070 and 36.67.040 shall not apply to such bond issues.

The bonding authority authorized for the purposes of this act shall include, but not be limited to, the issuance of general obligation bonds secured by a general tax levy, and the issuance of revenue bonds payable from a special fund or funds created solely from revenues derived from the facility, or any combination thereof. The governing authorities of such

municipalities may by ordinance take such action as may be necessary and incidental to the issuance of such bonds and the retirement thereof. The provisions of chapter 35.41 RCW not inconsistent with this act shall apply to the issuance and retirement of any such revenue bonds and the governing authority of a municipality shall have and may exercise the powers, duties, and functions incident thereto to the same extent as legislative authorities of cities and towns are authorized so to do under such chapter. The issuance and retirement of general obligation bonds shall be in accordance with general law.

SEC. 6. The governing bodies having power to appropriate moneys within such municipalities for the purpose of purchasing, condemning, leasing or otherwise acquiring property, constructing, improving, maintaining, and equipping buildings or other structures, and the investigations, planning, operation or maintenance necessary to participation in any such all-purpose or multi-purpose sports stadium, are hereby authorized to appropriate and cause to be raised by taxation or otherwise in such municipalities, moneys sufficient to carry out such purpose.

Moneys to finance, powers relative to.

SEC. 7. The powers and authority conferred upon municipalities under the provisions of this act, shall be construed as in addition and supplemental to powers or authority conferred by any other law, and nothing contained herein shall be construed as limiting any other powers or authority of such municipalities.

Powers cumulative.

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.

Severability.

SEC. 9. This act is necessary for the immediate preservation of the public peace, health and safety,

Emergency.

the support of the state government and its existing public institutions and shall take effect immediately.

Passed the House March 2, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 16.

[House Bill No. 52.]

IRRIGATION DISTRICTS—DIRECTORS' COMPENSATION.

AN ACT relating to irrigation districts; increasing directors' compensation; and amending section 39, page 692, Laws of 1889-90, as last amended by section 1, chapter 189, Laws of 1951, and RCW 87.03.460.

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

RCW 87.03.460 amended.

SECTION 1. Section 39, page 692, Laws of 1889-90, as last amended by section 1, chapter 189, Laws of 1951, and RCW 87.03.460 are each amended to read as follows:

Irrigation districts. Compensation of directors, officers, employees.

The directors shall each receive not to exceed twenty-five dollars per day in attending meetings and while performing other services for the district, to be fixed by resolution and entered in the minutes of their proceedings, and in addition thereto their necessary expenses in connection therewith. A director using his own automobile shall be entitled to compensation therefor not in excess of ten cents per mile for the actual and necessary number of miles traveled, based on a resolution fixing the rate per mile allowed for each make or type of car so used. The board shall fix the compensation of the secretary and all other employees. The board shall, upon the petition of at least fifty or a majority of the electors, submit to the electors at any general district election, a schedule of salaries and fees to be paid

hereunder. The petition shall be presented to the board twenty days before a general election, and the result thereof shall be determined and declared as other elections.

Passed the House March 5, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 17.

[House Bill No. 56.]

SECURITIES ACT.

AN ACT relating to securities; defining powers and duties; establishing fees; providing penalties and providing for effective date; amending section 6, chapter 282, Laws of 1959; amending section 11, chapter 282, Laws of 1959; amending section 27, chapter 282, Laws of 1959 as amended by section 7, chapter 37, Laws of 1961; amending section 34, chapter 282, Laws of 1959 as amended by section 9, chapter 37, Laws of 1961; amending section 40, chapter 282, Laws of 1959 and RCW 21.20.060, 21.20.110, 21.20.270, 21.20.340, 21.20.400.

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

SECTION 1. Section 6, chapter 282, Laws of 1959 and RCW 21.20.060 are each amended to read as follows:

RCW 21.20.060 amended.

The application shall contain whatever information the director requires concerning such matters as:

Securities act. Contents of application for registration—Financial requirements.

- (1) The applicant's form and place of organization;
- (2) The applicant's proposed method of doing business;
- (3) The qualifications and business history of the applicant and in the case of a broker-dealer or investment adviser, any partner, officer, or director;
- (4) Any injunction or administrative order or

Securities act. conviction of a misdemeanor involving a security or any aspect of the securities business and any conviction of a felony; and

(5) The applicant's financial condition and history.

The director of licenses or the duly appointed administrator may by rule require a minimum capital for registered broker-dealers and investment advisers or prescribe a ratio between net capital and aggregate indebtedness by type or classification.

RCW 21.20.110 amended.

SEC. 2. Section 11, chapter 282, Laws of 1959 and RCW 21.20.110 are each amended to read as follows:

Denial, suspension, revocation of registration—Grounds.

The director may by order deny, suspend, or revoke registration of any broker-dealer, salesman, or investment adviser if he finds that the order is in the public interest and that the applicant or registrant or, in the case of a broker-dealer or investment adviser, any partner, officer, or director:

(1) Has filed an application for registration under this section which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false, or misleading with respect to any material fact;

(2) Has wilfully violated or wilfully failed to comply with any provision of this chapter or a predecessor act or any rule or order under this chapter or a predecessor act;

(3) Has been convicted, within the past five years, of any misdemeanor involving a security or any aspect of the securities business, or any felony involving moral turpitude;

(4) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

(5) Is the subject of an order of the director denying, suspending, or revoking registration as a broker-dealer, salesman, or investment adviser;

(6) Is the subject of an order entered within the past five years by the securities administrator of any other state or by the federal securities and exchange commission denying or revoking registration as a broker-dealer or salesman, or the substantial equivalent of those terms as defined in this chapter, or is the subject of an order of the federal securities and exchange commission suspending or expelling him from a national securities exchange or national securities association registered under the securities exchange act of 1934, or is the subject of a United States post office fraud order; but (a) the director may not institute a revocation or suspension proceeding under this clause more than one year from the date of the order relied on, and (b) he may not enter any order under this clause on the basis of an order unless that order was based on facts which would currently constitute a ground for an order under this section;

(7) Has engaged in dishonest or unethical practices in the securities business;

(8) 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; but the director may not enter an order against a broker-dealer or investment adviser under this clause without a finding of insolvency as to the broker-dealer or investment adviser; or

(9) Has not complied with a condition imposed by the director under RCW 21.20.100, or is not qualified on the basis of such factors as training, experience, or knowledge of the securities business; or

(10) The director may by order summarily postpone or suspend registration pending final determination of any proceeding under this section.

RCW 21.20.270
amended.

SEC. 3. Section 27, chapter 282, Laws of 1959 as amended by section 7, chapter 37, Laws of 1961 and RCW 21.20.270 are each amended to read as follows:

Securities Act.
General
provisions,
registration.
Reports by
filer of state-
ment—Annual
financial
statement.

(1) The director may require the person who filed the registration statement to file reports, not more often than quarterly to keep reasonably current the information contained in the registration statement and to disclose the progress of the offering with respect to registered securities which (a) are issued by a face-amount certificate company or a redeemable security issued by an open-end management company or unit investment trust as those terms are defined in the investment company act of 1940, or (b) are being offered and sold directly by or for the account of the issuer.

(2) During the period of public offering of securities registered under the provisions of this chapter by notification or qualification financial data or statements corresponding to those required under the provisions of RCW 21.20.160 and 21.20.210 and to the issuer's fiscal year shall be filed with the director annually, not more than ninety days after the end of each such year. Such statements at the discretion of the director or administrator shall be certified by a certified public accountant who is not an employee of the issuer, and the director may verify them by examining the issuer's books and records. The certificate of such independent certified public accountant shall be based upon an audit of not less in scope or procedures followed than that which independent public accountants would ordinarily make for the purpose of presenting comprehensive and dependable financial statements, and shall contain such information as the director may prescribe, by rules and regulations in the public interest or for the protection of investors, as to the nature and scope of the audit and the findings and opinions of the accountants. Each such report shall state that such inde-

pendent certified public accountant has verified securities owned, either by actual examination, or by receipt of a certificate from the custodian, as the director may prescribe by rules and regulations.

SEC. 4. Section 34, chapter 282, Laws of 1959 as amended by section 9, chapter 37, Laws of 1961 and RCW 21.20.340 are each amended to read as follows:

RCW 21.20.340
amended.

The following fees shall be paid in advance under the provisions of this chapter:

Fees—
Disposition.

(1) For registration of all securities other than investment trusts and securities registered by coordination the fee shall be fifty dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-twentieth of one percent for any excess over one hundred thousand dollars.

(2) For registration of securities issued by a face-amount certificate company or redeemable security issued by an open-end management company or unit investment trust, as those terms are defined in the investment company act of 1940, the fee shall be fifty dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-twentieth of one percent for any excess over one hundred thousand dollars which are to be offered in this state during that year: *Provided, however,* That an issuer may upon the payment of a twenty-five dollar fee renew for an additional twelve month period the unsold portion for which the registration fee has been paid.

(3) For registration by coordination, other than investment trusts, the fee shall be twenty-five dollars for initial filing fee for the first twelve month period plus twenty-five dollars for each additional twelve months in which the same offering is continued.

(4) For filing an annual statement, the fee shall be ten dollars.

Securities Act.
Fees—Dis-
position.

(5) For registration of a broker-dealer or investment adviser, the fee shall be one hundred fifty dollars for original registration and fifty dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

(6) For registration of a salesman, the fee shall be twenty-five dollars for original registration with each employer and ten dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

(7) For written examination for registration as a salesman, the fee shall be fifteen dollars. For examinations for registration as a broker-dealer or investment adviser, the fee shall be fifty dollars.

(8) If the application for a renewal license is not received by the department on or before March 5 of each year the renewal license fee for a late license for a broker-dealer or an investment adviser shall be seventy-five dollars and for a salesman shall be fifteen dollars. Acceptance by the director of an application for renewal after March 5 shall not be a waiver of delinquency.

(9) (a) For the transfer of a broker-dealer license to a successor, the fee shall be twenty-five dollars.

(b) For the transfer of a salesman from a broker-dealer or issuer to another broker-dealer or issuer, the transfer fee shall be fifteen dollars.

(10) For certified copies of any documents filed with the director, the fee shall be the cost to the department.

(11) All fees collected under this chapter shall be turned in to the state treasury and shall not be refundable, except as herein provided.

RCW 21.20.400
amended.

SEC. 5. Section 40, chapter 282, Laws of 1959 and RCW 21.20.400 are each amended to read as follows:

Any person who wilfully violates any provision of this chapter except RCW 21.20.350, or who wilfully violates any rule or order under this chapter, or who wilfully violates RCW 21.20.350 knowing the statement made to be false or misleading in any material respect, shall upon conviction be fined not more than five thousand dollars or imprisoned not more than ten years, or both; but no person may be imprisoned for the violation of any rule or order if he proves that he had no knowledge of the rule or order. No indictment or information may be returned under this chapter more than five years after the alleged violation.

Penalty for violation of chapter—Limitation of actions.

SEC. 6. Section 4 of this amendatory act shall take effect July 1, 1965.

Fees, effective date.

Passed the House March 4, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 18.

[House Bill No. 58.]

SCHOOL DISTRICTS—LUNCH PERIODS.

AN ACT relating to employment conditions in school districts.

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

SECTION 1. All certificated employees of school districts shall be allowed a reasonable lunch period of not less than thirty continuous minutes per day during the regular school lunch periods and during which they shall have no assigned duties.

Lunch period for certificated employees.

Any school district may employ noncertificated personnel to supervise school children in noninstructional activities during regular school lunch periods.

Passed the House March 4, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 19.

[House Bill No. 63.]

CITIES AND TOWNS—PENSION FUNDS—
INVESTMENTS.

AN ACT relating to cities and towns; authorizing the investment of certain pension funds in certain securities; and amending section 35.39.040, chapter 7, Laws of 1965 and RCW 35.39.040.

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

RCW 35.39.040 amended.

SECTION 1. Section 35.39.040, chapter 7, Laws of 1965 and RCW 35.39.040 are each amended to read as follows:

Cities and towns. Investment of pension funds.

Any city or town now or hereafter operating an employees' pension system, established and operated pursuant to state statute or charter provision, or any pension system operating now or hereafter under state statute or charter provision exclusively for employees of cities or towns, is authorized to invest pension fund moneys in such securities of the United States, states, Dominion of Canada, public housing authorities, municipal corporations and other public bodies, as are designated by the laws of the state of Washington as lawful investments for the funds of mutual savings banks, and to invest not to exceed forty percent of the system's total investments in the securities of any corporations or public utility bodies as are designated by the laws of this state as lawful investments for the funds of mutual savings banks: *Provided*, That not more than eight percent of the system's total investments may be made in the securities of any one of such corporations or public utility bodies.

Subject to the limitations hereinafter contained, investment of pension funds may also be made in amounts not to exceed twenty-five percent of the system's total investments in the shares of certain

open-end investment companies: *Provided*, That not more than five percent of the system's total investments may be made in the shares of any one such open-end investment company. The total amount invested in any one company shall not exceed five percent of the assets of such company, and shall only be made in the shares of such companies as are registered as open-end companies under the federal investment company act of 1940, as from time to time amended. The company must be at least ten years old and have net assets of at least five million dollars. It must have outstanding no bonds, debentures, notes, or other evidences of indebtedness, or any stock having priority over the shares being purchased, either as to distribution of assets or payment of dividends. It must have paid dividends from investment income in each of the ten years next preceding purchase. The maximum selling commission on its shares, furthermore, may not exceed eight and one-half percent of the sum of the asset value plus such commission.

Investment of pension funds may also be made in the bonds of any municipal corporation or other public body of the state of Washington, and in any of the bonds or warrants, including local improvement bonds or warrants within the protection of the local improvement guaranty fund law issued by the city or town operating such pension system, or by any city or town which is a member of the system. Investment of pension funds shall be made by the pension board, board of trustees or other board charged with administering the affairs of the pension system.

Passed the House March 8, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 20.

[House Bill No. 81.]

PORT DISTRICTS—EMPLOYEES' PENSIONS.

AN ACT relating to port districts; and amending section 1, chapter 64, Laws of 1955 and RCW 53.08.170.

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

RCW 53.08.170 amended.

SECTION 1. Section 1, chapter 64, Laws of 1955 and RCW 53.08.170 are each amended to read as follows:

Port districts— Powers. Em- ployment— Wages— Ben- efits—Agents.

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. 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*, 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 House March 5, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 21.

[House Bill No. 88.]

FIRE PROTECTION DISTRICTS—PROPERTY PURCHASE CONTRACTS.

AN ACT relating to fire protection districts; and adding a new section to chapter 34, Laws of 1939, and chapter 52.08 RCW.

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

New section.

SECTION 1. There is added to chapter 34, Laws of 1939, and chapter 52.08 RCW a new section to read as follows:

Fire protection districts—Powers. Executory conditional sales contracts by authorized.

Any fire protection district may execute an executory conditional sales contract with any other municipal corporation, the state or any of its political subdivisions, the government of the United States, or any private party for the purchase of any real or personal property, or property rights, in connection with the exercise of any powers or duties which they now or hereafter are authorized to exercise, if the entire amount of the purchase price specified in such contract does not result in a total indebtedness in excess of one and one-half percent of the assessed valuation in such fire protection district: *Provided*, That if such a proposed contract would result in a total indebtedness in excess of one and one-half percent of the assessed valuation of such fire protection district, as the case may be, a proposition in regard to whether or not such a contract may be executed shall be submitted to the voters for approval or rejection in the same manner that bond issues for capital purposes are submitted to the voters: *Provided further*, That any fire protection district may jointly execute contracts authorized by this section.

Passed the House March 5, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 22.

[House Bill No. 114.]

CITIES AND TOWNS—SALARIES—MAYORS—
COMMISSIONERS.

AN ACT relating to cities and towns; permitting increasing the salaries of mayors and commissioners in cities and towns under the commission form of government; amending section 35.17.110, chapter 7, Laws of 1965 and RCW 35.17.110.

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

SECTION 1. Section 35.17.110, chapter 7, Laws of 1965 and RCW 35.17.110 are each amended to read as follows:

RCW 35.17.110 amended.

In cities having a population of two thousand five hundred, and less than forty-five hundred, the annual salary of the mayor shall be five hundred dollars and that of each of the commissioners two hundred fifty dollars.

Cities and towns—Commission form of government. Salaries of commissioners—In general.

In cities having a population of forty-five hundred and less than seven thousand, the annual salary of the mayor shall be fifteen hundred dollars, and that of each of the commissioners twelve hundred dollars.

In cities having a population of seven thousand and less than fourteen thousand the annual salary of the mayor shall be two thousand dollars, and that of each of the commissioners eighteen hundred dollars except as otherwise provided in RCW 35.17.115.

In cities having a population of fourteen thousand and less than seventeen thousand, the annual salary of the mayor shall be three thousand two hundred dollars and that of each of the commissioners, two thousand seven hundred dollars.

In cities having a population of seventeen thousand and less than thirty thousand the annual salary of the mayor may be any amount up to six thousand dollars and that of each of the commissioners may

be any amount up to five thousand five hundred dollars.

The salaries of the mayor and the commissioners shall be payable on a monthly basis.

Passed the House March 7, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 23.

[House Bill No. 149.]

PORT DISTRICTS—SALES OF PROPERTY.

AN ACT relating to port districts; providing for the sale of property no longer needed for district purposes; amending section 2, chapter 65, Laws of 1955 and RCW 53.08.090; and authorizing the sale of such property by contract.

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

RCW 53.08.090 amended.

SECTION 1. Section 2, chapter 65, Laws of 1955 and RCW 53.08.090 are each amended to read as follows:

Port districts — Powers. Sale of property no longer needed.

A district may sell and convey any of its property when the port commission has, by resolution, declared the property to be no longer needed for district purposes, but no property which is a part of the comprehensive plan of improvement or modification thereof shall be disposed of until the comprehensive plan has been modified to find such property surplus to port needs. The comprehensive plan shall be modified only after public notice and hearing provided by RCW 53.20.010.

Nothing in this section shall be deemed to repeal or modify procedures for property sales within industrial development districts as set forth in chapter 53.25 RCW.

—Terms and conditions.

SEC. 2. Except in cases where the full purchase price is paid at the time of the purchase, every sale

of real property under authority of RCW 53.08.090 shall be subject to the following terms and conditions:

(1) The purchaser shall enter into a contract with the district in which the purchaser shall covenant that he will make the payments of principal and interest when due, and that he will pay all taxes and assessments on such property. Upon failure to make the payments of principal, interest, assessments or taxes when due all rights of the purchaser under said contract may, at the election of the district, and without notice to said purchaser, be declared to be forfeited. When property is declared forfeited the district shall be released from all obligation to convey the land;

(2) The district may, as it deems advisable, extend the time for payment of principal and interest due or to become due;

(3) The district shall notify the purchaser in each instance when payment is overdue, and that the purchaser is liable to forfeiture if payment is not made within thirty days from the time the same became due, unless the time be extended by the district;

(4) Not less than one-tenth of the total purchase price shall be paid on the date of execution of the contract for sale and one-tenth shall be paid annually thereafter until the full purchase price has been paid, but any purchaser may make full payment at any time. All unpaid deferred payments shall draw interest at a rate not less than four percent per annum.

Nothing in this section shall be deemed to supersede other provisions of law more specifically governing sales of port district property. It is the purpose of this section to provide additional authority and procedures for sale of port district property no longer needed for port purposes.

Port districts
—Powers. Sale
of property no
longer needed.
Liability for
taxes, assess-
ments, after
sale—Pro-
cedure.

SEC. 3. A copy of all contract sales of port district property shall be filed with the county assessor within thirty days after the first payment is received by the port. The assessor shall place such property on the tax rolls of the county and the purchaser of such property shall become liable for all levies and assessments against such property. The port shall not be liable for any taxes or assessments, but if any outstanding taxes are not paid the property may be sold by the county as with other property with delinquent taxes due. Any amounts accruing from such a sale by the county, not required to pay outstanding and delinquent taxes or assessments and foreclosure costs, shall be paid to the port district.

Passed the House March 5, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 24.

[House Bill No. 160.]

CITIES AND COUNTIES—JOINT GOVERNMENTAL
ACTIVITIES.

AN ACT relating to joint governmental activity by cities and counties, and adding a new section to chapter 4, Laws of 1963 and to chapter 36.64 RCW.

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

New section.

SECTION 1. There is added to chapter 4, Laws of 1963 and to chapter 36.64 RCW a new section to read as follows:

City-County
joint activi-
ties. Property-
building
financing,
ownership,
use, author-
ized.

Any class AA or class A county may contract with any city or cities within such county for the financing, erection, ownership, use, lease, operation, control or maintenance of any building or buildings, including open spaces, off-street parking facilities for the use of county and city employees and persons

doing business with such county or city, plazas and other improvements incident thereto, for county or city, or combined county-city, or other public use. Property for such buildings and related improvements may be acquired by either such county or city or by both by lease, purchase, donation, exchange, and/or gift or by eminent domain in the manner provided by law for the exercise of such power by counties and cities respectively and any property acquired hereunder, together with the improvements thereon, may be sold, exchanged or leased, as the interests of said county, city or cities may from time to time require.

Passed the House March 4, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 25.

[House Bill No. 239.]

MOTOR VEHICLE LICENSE FEES—DISPOSITION.

AN ACT relating to motor vehicle license fees; adding new sections to chapter 12, Laws of 1961 and chapter 46.68 RCW; amending section 46.16.060, chapter 12, Laws of 1961 as amended by section 9, chapter 7, Laws of 1961 extraordinary session and RCW 46.16.060; amending section 46.68.030, chapter 12, Laws of 1961 as amended by section 17, chapter 7, Laws of 1961 extraordinary session and RCW 46.68.030; amending section 46.68.060, chapter 12, Laws of 1961 and RCW 46.68.060; repealing section 46.68.040, chapter 12, Laws of 1961 as amended by section 10, chapter 39, Laws of 1963 and RCW 46.68.040; and providing an effective date.

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

SECTION 1. Section 46.16.060, chapter 12, Laws of 1961 as amended by section 9, chapter 7, Laws of 1961 extraordinary session and RCW 46.16.060 are each amended to read as follows:

RCW 46.16.060
amended.

Vehicle li-
cense fees—
Disposition.
License fee,
general—
House moving
dollies.

Except as otherwise specifically provided by law for the licensing of vehicles, there shall be paid and collected annually for each calendar year or fractional part thereof and upon each vehicle a license fee in the sum of eight dollars: *Provided, however,* That the fee for licensing each house moving dollie which is used exclusively for moving buildings or homes on the highway under special permit as provided for in chapter 46.44, shall be twenty-five dollars.

RCW 46.68.030
amended.

SEC. 2. Section 46.68.030, chapter 12, Laws of 1961 as amended by section 17, chapter 7, Laws of 1961 extraordinary session and RCW 46.68.030 are each amended to read as follows:

Disposition of
vehicle license
fees—State
patrol high-
way account
—Weight
control.

All fees received by the director for vehicle licenses under the provisions of chapter 46.16 shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be by him deposited to the credit of the motor vehicle fund, and out of each vehicle license fee of eight dollars as provided for in RCW 46.16.060, the state treasurer shall deposit four dollars and sixty cents to the credit of the state patrol highway account of the motor vehicle fund. A minimum of ten percent of the funds deposited in such account shall be appropriated and expended for the enforcement of RCW 46.44.100 relating to weight control.

RCW 46.68.060
amended.

SEC. 3. Section 46.68.060, chapter 12, Laws of 1961 and RCW 46.68.060 are each amended to read as follows:

Highway
safety fund
created—Use.

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be used for carrying out the provisions of law relating to driver licensing and driver improvement and for the use of the Washington state patrol as provided in section 4 of this 1965 amendatory act.

SEC. 4. There is added to chapter 12, Laws of 1961 and chapter 46.68 RCW a new section to read as follows: New section.

(1) The department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund except as otherwise provided in this section. Disposition of operator's license fees.

(2) One dollar of each fee collected for a temporary instruction permit shall be deposited in the driver education account in the general fund.

(3) Out of each fee of four dollars collected for a driver's license, the sum of two dollars and twenty cents shall be deposited in the parks and parkways account in the general fund to be used for carrying out the provisions of chapter 43.51 RCW except that not to exceed fifty thousand dollars in a biennium as by appropriation provided shall be paid from the parks and parkways account for use in carrying out the provisions of law relating to drivers' licenses.

(4) Out of each fee of four dollars collected for a driver's license, the sum of one dollar and eighty cents shall be deposited in the highway safety fund, sixty cents of which shall be for the use of the Washington state patrol in the performance of its duties.

SEC. 5. Section 46.68.040, chapter 12, Laws of 1961 as amended by section 10, chapter 39, Laws of 1963 and RCW 46.68.040 are each hereby repealed. Repeal.

SEC. 6. This act shall take effect January 1, 1966.

Passed the House March 3, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 26.

[House Bill No. 244.]

FLOOD CONTROL DISTRICTS.

AN ACT relating to flood control districts; amending section 2, chapter 72, Laws of 1937 and RCW 86.09.004; amending section 60, chapter 72, Laws of 1937 and RCW 86.09.178; amending section 61, chapter 72, Laws of 1937 and RCW 86.09.181; amending section 63, chapter 72, Laws of 1937 and RCW 86.09.187; amending section 77, chapter 72, Laws of 1937 and RCW 86.09.229; amending section 86, chapter 72, Laws of 1937 and RCW 86.09.256; amending section 91, chapter 72, Laws of 1937 and RCW 86.09.271; amending section 95, chapter 72, Laws of 1937 and RCW 86.09.283; amending section 122, chapter 72, Laws of 1937 and RCW 86.09.364; amending section 129, chapter 72, Laws of 1937 and RCW 86.09.385; amending section 130, chapter 72, Laws of 1937 and RCW 86.09.388; amending section 207, chapter 72, Laws of 1937 and RCW 86.09.619; adding new sections to chapter 72, Laws of 1937 and to chapter 86.09 RCW; repealing sections 1 through 79, chapter 160, Laws of 1935, section 1, chapter 82, Laws of 1949, section 1, chapter 20, Laws of 1953 and RCW 86.05.010 through 86.05.910 and validating the organization and proceedings of all districts established thereunder; repealing section 64, chapter 72, Laws of 1937 and RCW 86.09.190; repealing section 65, chapter 72, Laws of 1937 and RCW 86.09.193; repealing section 67, chapter 72, Laws of 1937 and RCW 86.09.199; and repealing section 146, chapter 72, Laws of 1937 and RCW 86.09.436.

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

RCW 86.09.004 amended.

SECTION 1. Section 2, chapter 72, Laws of 1937 and RCW 86.09.004 are each amended to read as follows:

Flood control districts. District to provide control of water—Territory included—District rights if within city or town.

Such flood control districts shall be organized to provide for the ultimate necessary control of the entire part, or all, of the stream system of any stream or tributary, or for the protection against tidal or any bodies of water, within this state and may include all or part of the territory of any county and may combine the territory in two or more such counties, in which any of the lands benefited from the

organization and maintenance of a flood control district are situated.

A district established wholly within the boundaries of any city or town may also provide for the collection, control, and safe and suitable conveyance over and across the district, of intermittent surface and drainage water, originating within or without its boundaries, to suitable and adequate outlets.

SEC. 2. Section 60, chapter 72, Laws of 1937 and RCW 86.09.178 are each amended to read as follows:

RCW 86.09.178 amended.

Contracts for construction, or for labor or materials entering into the construction of any improvement authorized by the district shall be awarded at public bidding except as herein otherwise provided. A notice calling for sealed proposals shall be published in such newspaper or newspapers of general circulation as the board shall designate for a period of not less than two weeks (three weekly issues) prior to the day of opening of the bids. Such proposals shall be accompanied by a certified check for such amount as the board shall decide upon, to guarantee a compliance with the bid and shall be opened in public at the time and place designated in the notice. The contract shall be awarded to the lowest and best responsible bidder: *Provided*, That the board shall have authority to reject any or all bids, in which event they shall readvertise for bids and, when no satisfactory bid is then received and with the written approval of the director, may proceed to construct the works by force account.

Construction contracts—
Public bids,
procedure.

SEC. 3. Section 61, chapter 72, Laws of 1937 and RCW 86.09.181 are each amended to read as follows:

RCW 86.09.181 amended.

Any person, except the state of Washington and the United States, acting under the provisions of this chapter, to whom or to which a contract may have been awarded by the district for construction purposes, or for labor or materials entering therein when

Contractor's bond.

Flood control districts.

the total amount to be paid therefor exceeds one thousand dollars, shall enter into a bond to the state of Washington, with good and sufficient sureties, to be approved and filed with the state director, for one hundred percent of the contract price, conditioned for the faithful performance of said contract and with such further conditions as may be required by law.

RCW 86.09.187 amended.

SEC. 4. Section 63, chapter 72, Laws of 1937 and RCW 86.09.187 are each amended to read as follows:

Improvements by force account.

Any proposed improvement or part thereof, not exceeding one thousand dollars in cost may be constructed by the district by force account.

RCW 86.09.229 amended.

SEC. 5. Section 77, chapter 72, Laws of 1937 and RCW 86.09.229 are each amended to read as follows:

Crossing road or public utility—
Notice, plan, cost, etc.

Whenever in the progress of the construction of the system of district improvement, it shall become necessary to construct a portion of such system across any public or other road or public utility, the district board shall serve notice in writing upon the public officers, corporation or person having charge of or controlling or owning such road or public utility, as the case may be, of the present necessity of such crossing, giving the location, kind, dimensions and requirement thereof, for the purpose of the system of improvement, and stating a reasonable time, to be fixed by the board, within which plans for such crossing must be filed for approval in case the public officer, corporation or person controlling or owning such road or public utility desire to design and construct such crossing. As soon as convenient, within the time fixed in the notice, the public officers, corporation or person shall, if they desire to construct such crossing, prepare and submit to the board for approval duplicate detailed plans and specifications for such crossing. Upon the return of such approved plans, the public officers, corporation or person controlling such road or public utility shall, within the

time fixed by the board, construct such crossing in accordance with the approved plans. In case such public officers, corporation or person controlling or owning such road or public utility shall fail to file plans for such crossing within the time prescribed in the notice, the district board shall proceed with the construction of such crossing in such manner as will cause no unnecessary injury to or interference with such road or public utility. The cost of construction and maintenance of only such crossings or such portion of such cost as would not have been necessary but for the construction of the system of improvement shall be a proper charge against the district, and only the actual cost of such improvement constructed in accordance with the approved plans shall be charged against the district in the case of crossings constructed by others than the district. The amount of costs of construction allowed as a charge against the district shall be credited ratably on the assessments against the property on which the crossing is constructed if chargeable therewith, until the same is fully satisfied.

SEC. 6. Section 86, chapter 72, Laws of 1937 and RCW 86.09.256 are each amended to read as follows:

Said state supervisor shall also have supervision and control over all dams and obstructions in streams flowing into any flood control district as provided by chapter 86.16 RCW.

Supervisor's control over dams and obstructions.

SEC. 7. Section 91, chapter 72, Laws of 1937 and RCW 86.09.271 are each amended to read as follows:

The office of the directors and principal place of business of the district shall be located, if possible, at some place within the district to be designated by the board. If a place convenient and suitable for conducting district business and public hearings required by this chapter cannot be found within the district, said office may be located in the county within which the

Board of directors. District office—Change of location.

Flood control districts.

major portion of district lands is situated. Said office and place of business cannot thereafter be changed, except with the previous written consent of the state director and without passing a resolution to that effect at a previous regular meeting of the board, entered in the minutes thereof and without posting a notice of the change in a conspicuous public place at or near the place of business which is to be changed at least ten days prior thereto and by the previous posting of a copy of said notice for the same length of time at or near the new location of the office.

RCW 86.09.283 amended.

SEC. 8. Section 95, chapter 72, Laws of 1937 and RCW 86.09.283 are each amended to read as follows:

—Compensation and expenses of board members and employees.

The board of directors shall each receive not to exceed ten dollars per day in attending the meetings, to be determined by said board, and such compensation, not exceeding ten dollars per day, for other services rendered the district as shall be fixed by resolution adopted by vote of the directors and entered in the minutes of their proceedings, and in addition thereto, directors shall receive necessary expenses in attending meetings or when otherwise engaged on district business. The board shall fix the compensation to be paid to the secretary and all other agents and employees of the district. A director using his own automobile shall be entitled to compensation therefor for the actual and necessary number of miles traveled, based on a resolution fixing the rate per mile not in excess of eight cents per mile.

RCW 86.09.364 amended.

SEC. 9. Section 122, chapter 72, Laws of 1937 and RCW 86.09.364 are each amended to read as follows:

Elections, Qualifications of electors.

Any person of the age of twenty-one years, being a citizen of the United States who holds title to land or evidence of title to land determined to receive benefits within the boundaries of any district, shall be entitled to vote at any election held therein. Additional qualifications for voting, required by the

general election laws of the state shall not apply: *Provided*, That where the title or evidence of title to community land is held by the husband or the wife, both members of such community shall be entitled to vote: *Provided further*, That the elector qualification based on holding title or evidence of title to land determined to receive benefits shall not apply for the election to establish the district: *Provided further*, That each elector holding title or evidence of title to more than ten acres of benefited land within the district shall be entitled to one additional vote for each ten acres or major fraction thereof: *And provided further*, That at any election held under the provisions of this chapter, one officer or agent of any corporation owning land in the district, duly authorized thereto in writing may cast a vote on behalf of said corporation; when so voting he shall file with the election officers such written instrument of his authority, and such officer or agent shall be deemed an elector within the meaning of this chapter. An elector resident within the district shall vote in the precinct in which he resides; and an elector not residing in the district shall vote in the precinct which includes his land, or the great[er] area thereof.

SEC. 10. Section 129, chapter 72, Laws of 1937 and RCW 86.09.385 are each amended to read as follows:

RCW 86.09.385 amended.

As a basis for the levy of all assessments authorized under this chapter, the state supervisor of flood control, soon after the creation of the district, shall cause to be prepared a base map of the lands within the district and deliver the same to the secretary of the district: *Provided*, That said state supervisor shall not be required to prepare said base map unless ample appropriation of funds for the purpose has been made.

Assessments.
Base map of
benefited
lands.

SEC. 11. Section 130, chapter 72, Laws of 1937 and RCW 86.09.388 are each amended to read as follows:

RCW 86.09.388 amended.

Flood control districts. Assessments. Appointment of appraisers—Determination of benefit ratios.

Upon receipt of said base map the board of directors of the district shall appoint a board of three appraisers subject to the written approval of the state director, whose duty it shall be to determine the ratio of benefits which the several tracts of land shall receive with respect to each other from the organization and operation of the district and the construction and maintenance of the district works in accordance with the comprehensive plan therefor adopted by the directors of the district.

RCW 86.09.619 amended.

SEC. 12. Section 207, chapter 72, Laws of 1937 and RCW 86.09.619 are each amended to read as follows:

Bonds—District directors to make provision for payment—Procedure upon failure to do so.

It shall be the duty of the board of directors of the district to make adequate provision for the payment of all district bonds in accordance with their terms by levy and collection of assessments or otherwise and upon its failure so to do said levy and collection of assessments shall be made as follows:

(1) If the annual assessment roll has not been delivered to the county treasurer on or before the fifteenth day of January, he shall notify the secretary by registered mail that the roll must be delivered to him forthwith.

(2) If the roll is not delivered within ten days from the date of mailing the notice, or if the roll has not been equalized and the levy made, the treasurer shall immediately notify the county commissioners of the county in which the office of the directors is situated, and such commissioners shall cause an assessment roll for the district to be prepared and shall equalize it if necessary, and make the levy in the same manner and with like effect as if it had been made and equalized by the directors, and all expenses incident thereto shall be borne by the district.

(3) In case of neglect or refusal of the secretary to perform his duties, the district treasurer shall perform them, and shall be accountable therefor, on his official bond, as in other cases.

SEC. 13. There is added to chapter 72, Laws of 1937 and to chapter 86.09 RCW a new section to read as follows: New section.

When the assessment roll is completed as finally equalized by the board of directors and the total assessment against any tract or contiguous tracts owned by one person or corporation is less than two dollars, the county treasurer shall levy such a minimum amount of two dollars against such tract or contiguous tracts. Minimum assessment.

SEC. 14. There is added to chapter 72, Laws of 1937 and to chapter 86.09 RCW a new section to read as follows: New section.

A board may amend the district comprehensive plan of flood control, alter, reduce or enlarge the district system of improvement, within or without the district, and change the district boundaries so as to include land likely to be benefited by said amendment, alteration, reduction or enlargement by filing a petition to that effect with the director. Amending plan of flood control, altering system of improvements, changing boundaries. Initiated by petition.

SEC. 15. There is added to chapter 72, Laws of 1937 and to chapter 86.09 RCW a new section to read as follows: New section.

If funds are available the director shall, at the expense of his department, refer the petition to the supervisor for a preliminary investigation as to the feasibility of the objects sought by the petition. If the investigation discloses that the matter petitioned for is feasible, conducive to the public welfare, consistent with a comprehensive plan of development and in the best interest of the district and will promote the purposes for which the district was organized, the director shall so find, approve the petition, enter an order in his records declaring the establishment of the new boundaries as petitioned for, or as modified by him, and file a certified copy —Investigation—Approval—Reassessments.

Flood control
districts.

of the order with each county auditor, without filing fee, and with the board.

The board shall forthwith cause a review of the classifications and ratio of benefits, in the same manner and with the same effect as for the determination of such matters in the first instance.

The lands in the original district shall remain bound for the whole of the original unpaid assessment thereon for the payment of any outstanding warrants or bonds to be paid by such assessments. Until the assessments are collected and all indebtedness of the original district paid, separate funds shall be maintained for the original district and the revised district.

Repeal—
Savings—Val-
idation—
Rights and
obligations
preserved.

SEC. 16. Sections 1 through 79, chapter 160, Laws of 1935, section 1, chapter 82, Laws of 1949, section 1, chapter 20, Laws of 1953 and RCW 86.05.010 through 86.05.910 are each repealed: *Provided*, That districts heretofore established pursuant to said laws may continue to be operated and maintained as provided therein; or may take such action as may be required to conform to the provisions of chapter 72, Laws of 1937 and chapter 86.09 RCW regulating the maintenance and operation of flood control districts to the same extent and to the same effect as if originally organized under said act: *Provided further*, That the organization of such districts and the validation of indebtedness heretofore incurred shall be governed as follows:

(1) Each and all of the flood control districts heretofore organized and established under sections 1 through 79, chapter 160, Laws of 1935, section 1, chapter 82, Laws of 1949, section 1, chapter 20, Laws of 1953 and RCW 86.05.010 through 86.05.910 are hereby validated and declared to be duly existing flood control districts having their respective boundaries as set forth in their organization proceedings as

shown by the files in the offices of the auditors of each of the counties affected;

(2) All debts, contracts, and obligations heretofore made by or in favor of, and all bonds or other obligations heretofore executed in connection with or in pursuance of attempted organization, and all other things and proceedings heretofore done or taken by any flood control district heretofore established, operated and maintained under sections 1 through 79, chapter 160, Laws of 1935, section 1, chapter 82, Laws of 1949, section 1, chapter 20, Laws of 1953 and RCW 86.05.010 through 86.05.910 are hereby declared legal and valid and of full force and effect until such are fully satisfied and/or discharged.

SEC. 17. The following acts or parts of acts are Repeal.
each repealed:

(1) Section 64, chapter 72, Laws of 1937 and RCW 86.09.190;

(2) Section 65, chapter 72, Laws of 1937 and RCW 86.09.193;

(3) Section 67, chapter 72, Laws of 1937 and RCW 86.09.199;

(4) Section 146, chapter 72, Laws of 1937 and RCW 86.09.436.

Passed the House March 5, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 27.

[House Bill No. 248.]

HORTICULTURAL PESTS AND DISEASES.

AN ACT relating to horticultural pests and diseases; and adding a new section to chapter 11, Laws of 1961 and chapter 15.08 RCW.

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

Fruit trees, disinfection of. Purpose—Police power imposed.

SECTION 1. The production of tree fruits in the state of Washington is a major agricultural industry promoting the general economic welfare of the state and beneficial to the health of the public. The proper maintenance of fruit tree orchards to insure the continued and increased benefits to the health and welfare of the state makes it necessary to prevent, eradicate and control any pests or diseases which are or may be injurious to such fruit trees and the produce therefrom. Such prevention, eradication and control of pests and diseases which are or may be injurious to fruit trees and their crops may require chemical or biological control or removal of host trees which may be hosts and breeding places for such diseases and pests. The provisions of this act are adopted under the police power of the state for the purpose of protecting its health and general welfare, presently and in the future.

New section.

SEC. 2. There is added to chapter 11, Laws of 1961 and chapter 15.08 RCW a new section to read as follows:

Bulletin prescribes method of disinfection—Proof procedure followed—Disinfection no bar to removal as nuisance.

The method for disinfecting fruit trees required to be disinfected under the provisions of this chapter, shall be as prescribed in, and shall include the mandatory use of all procedures and formulations provided for in the "extension bulletin 419" published by the extension service, institute of agricultural sciences, Washington State University, as published and in effect on the effective date of this act, for the proper prevention, control and eradication of pests and diseases of fruit trees: *Provided*, That the department of agriculture may adopt any subsequent change or amendment to said "extension bulletin 419".

Whenever specific recommendations for disinfecting fruit trees are not set forth in the said "extension bulletin 419", then the generally accepted horticultural practices for the prevention, control

and eradication of any pests and diseases in the producing area shall be used.

The burden of proving that the proper procedures as set forth in this section have been followed, shall be upon the person ordered to disinfect fruit trees.

The disinfection of fruit trees as in this section set forth shall in no way limit the authority of the inspection board to determine that such fruit trees constitute a nuisance and thus shall be subject to removal as provided for in this chapter.

Passed the House March 5, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 28.

[House Bill No. 246.]

DIRECTOR OF LICENSES—REPORT.

AN ACT relating to duties of the director of licenses and amending section 29, chapter 21, Laws of 1961 extraordinary session and RCW 46.08.200.

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

SECTION 1. Section 29, chapter 21, Laws of 1961 extraordinary session and RCW 46.08.200 are each amended to read as follows:

RCW 46.08.200 amended.

The director of licenses shall, on or before the first day of October of each year, make to the governor a full report of the activities of the department relating to motor vehicle administration for the prior fiscal year, incorporating therein a statement of the program for the ensuing fiscal year. Such report shall contain a statistical analysis of the activities of the department relating to driver licensing and

Director to make annual report to governor—Contents.

driver improvement, vehicle licensing and liquid fuel tax collections.

Passed the House March 8, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 29.

[Substitute House Bill No. 268.]

STATE INSTITUTIONS—CONDITIONAL MEDICINE AND SURGERY LICENSES.

AN ACT relating to the conditional licensing to practice medicine and surgery of certain employees of the department of institutions; prescribing a two year limitation on such licenses; and amending section 1, chapter 189, Laws of 1959 and RCW 18.71.095; and amending section 2, chapter 189, Laws of 1959 as amended by section 1, chapter 65, Laws of 1963 and RCW 18.71.096.

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

RCW 18.71.095 amended.

SECTION 1. Section 1, chapter 189, Laws of 1959 and RCW 18.71.095 are each amended to read as follows:

Physicians, psychiatrists. Conditional certificate or licenses for out-of-state licensees while engaged by department of institutions.

Notwithstanding any provisions of law to the contrary, the director of the department of licenses shall, upon the written request of the director of the department of institutions, issue a conditional certificate or license to practice medicine and surgery in this state to such person or persons as requested by the director of the department of institutions; 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; 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 licenses, 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 of the department of institutions.

(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, 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, and shall expire and be of no further force or effect two years from the date of issuance and shall not be subject to renewal.

SEC. 2 Section 2, chapter 189, Laws of 1959 as amended by section 1, chapter 65, Laws of 1963 and RCW 18.71.096 are each amended to read as follows:

RCW 18.71.096
amended.

The director of licenses shall issue a conditional license or certificate to practice medicine and surgery under the provisions of RCW 18.71.095 after July

—Expiration
date—No
renewal.

1, 1965, which is effective for a period of two years and which shall not be renewable at the expiration of such conditional license. All conditional licenses previously issued under the authority of RCW 18.71.095 shall expire and be of no further force or effect on July 1, 1967, and shall not be subject to renewal.

Passed the House March 5, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 30.

[House Bill No. 296.]

PUBLIC ASSISTANCE—CHILD WELFARE SERVICES.

AN ACT relating to public assistance; adding a new chapter to chapter 26, Laws of 1959 and Title 74 RCW; repealing section 74.12.130, chapter 26, Laws of 1959 as amended by section 20, chapter 228, Laws of 1963 and RCW 74.12.130; repealing section 74.12.230, chapter 26, Laws of 1959 and RCW 74.12.230; and declaring an emergency.

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

New chapter.

SECTION 1. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new chapter to read as set forth in sections 2 through 4 of this act.

Child welfare services—Public assistance. Purpose.

SEC. 2. The purpose of this chapter is to safeguard, protect and contribute to the welfare of the children of the state, through a comprehensive and coordinated program of public child welfare services providing for: Social services and facilities for children who require guidance, care, control, protection, treatment or rehabilitation; setting of standards for social services and facilities for children; cooperation with public and voluntary agencies, organizations, and citizen groups in the development and coordination of programs and activities in behalf of children; and promotion of community conditions and re-

sources that help parents to discharge their responsibilities for the care, development and well-being of their children.

SEC. 3. As used in Title 74 RCW, child welfare services shall be defined as public social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

Child welfare services defined.

(1) Preventing or remedying, or assisting in the solution of problems which may result in the neglect, abuse, exploitation, or delinquency of children;

(2) Protecting and caring for homeless, dependent, or neglected children;

(3) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(4) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

As used in this chapter, child means a person less than twenty-one years of age.

SEC. 4. The department shall have the duty to provide child welfare services as defined in section 3, and shall:

Departmental duties—Child welfare and day care advisory committee.

(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 com-

Child welfare
services—Pub-
lic assistance.

munity 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.

(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 in the development of policy on all matters pertaining to child welfare, day care, and services related thereto. Members shall be appointed on the basis of their interest in and concern for the welfare of children and selected insofar as possible to represent all geographical areas of the state and to represent a wide variety of groups interested in the welfare of children. The committee shall become informed about child welfare service needs of the children of this state and the extent to which resources are available to meet those needs.

The committee shall consist of twelve members appointed by the director who shall designate a chairman. The committee shall hold original terms of office as follows: Four members shall serve one

year; four members shall serve two years; four members shall serve three years. Upon expiration of the original terms, subsequent appointments shall be for three years except that in the case of a vacancy, in which event the appointment shall be only for the remainder of the unexpired term in which the vacancy occurs.

Members of the committee shall be reimbursed for their actual expenses incurred in attending authorized meetings, but not to exceed the per diem and travel rates as established for state employees.

(7) Collect and publish statistics, information, and data concerning the conditions and needs of children for child welfare services.

(8) Receive all funds made available from the federal government, the state or private sources for carrying out child welfare services, and expend such funds in accordance with the purposes for which they are made available.

(9) Cooperate with the federal government, and other state agencies in implementing both federal and state programs for child welfare services.

SEC. 5. Section 74.12.130, chapter 26, Laws of 1959 as amended by section 20, chapter 228, Laws of 1963 and RCW 74.12.130, and section 74.12.230, chapter 26, Laws of 1959 and RCW 74.12.230 are each repealed. **Repeal.**

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

SEC. 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 **Emergency.**

public institutions, and shall take effect immediately.

Passed the House March 7, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 31.

[House Bill No. 309.]

STATE HISTORICAL SOCIETY—CONVEYANCE OF PICKETT HOUSE.

AN Act authorizing the Washington state historical society to convey the real property constituting the site of Pickett House, in Whatcom County, Washington, to the Daughters of the Pioneers of Washington, Whatcom Chapter No. 5.

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

Pickett House. Conveyance of authorized.

SECTION 1. The Washington state historical society, which holds title thereto as trustee for the state of Washington pursuant to the provisions of RCW 27.28.020, is hereby authorized to convey to the Daughters of the Pioneers of Washington, Whatcom Chapter No. 5, a Washington nonprofit corporation to be organized, for a consideration of one dollar, the following described real property situated in the county of Whatcom, state of Washington, to wit:

Lot 1, in Block 10, of the Town of Whatcom, now a part of the City of Bellingham, according to the plat thereof on file and of record in the office of the Auditor of said County, which real property constitutes the Pickett House in said city.

Maintenance as historical site—Reversion upon failure to do so.

SEC. 2. Said chapter, by acceptance of such conveyance, shall be deemed to have agreed to hold said property in trust for the state of Washington, and to maintain and keep the same open to the pub-

lic as an historical site, and, in case of its failure so to do, title to said property shall revert to the state of Washington.

Passed the House March 5, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 32.

[House Bill No. 313.]

RENTED MOTOR VEHICLES, ETC.—FAILURE TO RETURN.

AN ACT relating to crimes and punishment; and adding a new section to chapter 249, Laws of 1909 and chapter 9.54 RCW.

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

SECTION 1. There is added to chapter 249, Laws of 1909 and chapter 9.54 RCW a new section to read as follows:

New section.

Any person to whom a motor vehicle, or piece of machinery or equipment having a fair market value in excess of two thousand dollars, is delivered on a rental or lease basis under any agreement in writing providing for its return to a particular place at a particular time, who refuses or wilfully neglects to return such vehicle or piece of machinery or equipment after the expiration of a reasonable time after a notice in writing proved to have been duly mailed by registered or certified mail with return receipt requested addressed to the last known address of the person who rented or leased the motor vehicle, or piece of machinery or equipment shall be presumed to have intended to deprive or defraud the owner thereof within the meaning of RCW 9.54.010 defining the crime of larceny. This presumption may be rebutted by evidence creating a reasonable infer-

Larceny. Retaining leased motor vehicle, machinery or equipment after notice to return presumed larceny.

ence that the failure to return the vehicle or piece of machinery or equipment was not with the intent to defraud or otherwise deprive the owner of his property.

Passed the House March 5, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 33.

[House Bill No. 324.]

POLICE PENSIONS—EXEMPTION FROM TAXATION,
EXECUTION, ETC.

AN ACT relating to police pensions in first class cities; and adding a new section to chapter 41.20 RCW.

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

New section.

SECTION 1. There is added to chapter 41.20 RCW a new section to read as follows:

Police pensions, first class city. Benefits exempt from taxes, operation of other processes of law—Unassignable.

Exemption From Taxation and Judicial Process—Assignability. The right of a person to a pension, an annuity, or retirement allowance, or disability allowance, or death benefits, or any optional benefit, or any other right accrued or accruing to any person under the provisions of this chapter, and any fund created hereby, and all moneys and investments and income thereof, are exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable.

Passed the House March 2, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 34.

[House Bill No. 326.]

STATE RESIDENTIAL SCHOOLS—TRAINING CENTER AGREEMENTS.

AN ACT relating to mentally or physically deficient persons; and amending sections 1, 2 and 4, chapter 251, Laws of 1961 and RCW 72.33.800, 72.33.805 and 72.33.815.

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

SECTION 1. Section 1, chapter 251, Laws of 1961 and RCW 72.33.800 are each amended to read as follows:

RCW 72.33.800 amended.

The director of the department of institutions is hereby authorized to enter into agreements with any person, or with any person, corporation or association operating a day training center or group training home or a combination thereof approved by the department, for the payment of all, or a portion of the cost of the care, maintenance, support and training of mentally or physically deficient persons acceptable for admission to a state residential school as hereinafter provided, which agreements shall constitute agreements relating to state operated activities.

State residential schools. Agreement to pay others for care, maintenance and training of persons acceptable for admission to— Terms defined.

For the purpose of RCW 72.33.800 through 72.33.820 the terms "day training center" and "group training home" shall have the following meanings:

(1) "Day training center" shall mean a facility equipped, supervised, managed and operated at least three days per week by any person, association or corporation on a nonprofit basis for the day-care, training and maintenance of mentally or physically deficient persons acceptable for admission to state residential schools, and approved in accordance with RCW 72.33.800 through 72.33.820 and the standards of the department of institutions as set forth in the

State residen-
tial schools.
Agreements to
pay others for
care, etc., of
persons ac-
ceptable for
admission to.

rules and regulations to be promulgated by the di-
rector.

(2) "Group training home" shall mean a facility
equipped, supervised, managed and operated on a
full time basis by any person, association or corpora-
tion on a nonprofit basis for the full time care, train-
ing and maintenance of mentally or physically de-
ficient persons acceptable for admission to a state
residential school, and approved in accordance with
RCW 72.33.800 through 72.33.820 and the standards
of the department of institutions as set forth in rules
and regulations to be promulgated by the director.

RCW 72.33.805
amended.

SEC. 2. Section 2, chapter 251, Laws of 1961 and
RCW 72.33.805 are each amended to read as follows:

—Payments
by department
as supplement-
al—Limitation
on amount.

All payments made by the department of insti-
tutions pursuant to RCW 72.33.800 through 72.33-
.820 shall be, insofar as possible, supplementary to
payments to be made to a day training center or
group training home or combination thereof by the
parents or guardians of such mentally or physically
deficient persons. Payments made by the director
in accordance with the authority of RCW 72.33.800
through 72.33.820 shall not exceed one hundred
twenty-five dollars per month for the care, support,
maintenance and training of any mentally or physi-
cally deficient person whether at a day training cen-
ter or group training home or combination thereof
or otherwise.

RCW 72.33.815
amended.

SEC. 3. Section 4, chapter 251, Laws of 1961 and
RCW 72.33.815 are each amended to read as follows:

—Applica-
tion for
payments by
department—
Investigation—
Acceptance or
rejection—
Limitation
on amount.

The parent or guardian of a mentally or physi-
cally deficient person acceptable for admission to a
state residential school, may make application to the
director of institutions for the payment of all, or a
portion of, the monthly cost of care, maintenance,
support and training of such mentally deficient per-
son, whether in a day training center or a group

training home or a combination thereof or otherwise, approved by the department: *Provided*, That such cost shall not exceed one hundred twenty-five dollars per month. The director, after investigation, may accept or reject the application, and, if accepted, shall determine the extent and type of care and training and the amount which the department will pay, not to exceed one hundred twenty-five dollars per month, based upon the needs of such mentally or physically deficient person and the ability of the parent or the guardian to pay, or contribute to the payment of the monthly cost of such care and training.

The director, may, upon application of such parent or guardian, after investigation of the ability or inability of such persons to pay, or without application being made, modify the amount of the monthly payments to be paid by the department of institutions for the care and training of such mentally or physically deficient persons whether at a day training center or group training home or combination thereof or otherwise.

Passed the House March 4, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 35.

[House Bill No. 335.]

VOCATIONAL REHABILITATION—NONDISABLED VOCATIONALLY HANDICAPPED PERSONS.

AN ACT relating to vocational rehabilitation of certain non-disabled vocationally handicapped persons; and amending section 74.11.040, chapter 26, Laws of 1959 as amended by section 4, chapter 118, Laws of 1963 and RCW 74.11.040.

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

RCW 74.11.040
amended.

SECTION 1. Section 74.11.040, chapter 26, Laws of 1959, as amended by section 4, chapter 118, Laws of 1963, and RCW 74.11.040 are each amended to read as follows:

State board for
vocational
education.
Powers and
duties relating
to nondisabled
vocationally
handicapped
persons.

The board shall:

(1) Disburse all funds provided by law, and all funds obtained from private and other sources, that are unconditionally offered for the rehabilitation program provided for by this chapter;

(2) Appoint and fix the compensation of the personnel necessary to administer this chapter;

(3) Vocationally rehabilitate and place in remunerative occupation, insofar as it is deemed possible and feasible, persons eligible for the benefits of this chapter;

(4) Provide for the training of personnel as may be needed to carry out and to develop vocational rehabilitation services for the rehabilitation of those eligible for the benefits of this chapter;

(5) Make such rules and regulations as may be deemed necessary for the administration of this chapter;

(6) Make exploratory or evaluation studies, reviews and do research as may be needed.

Passed the House March 4, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 36.

[House Bill No. 337.]

INDUSTRIAL INSURANCE—MEDICAL AID CONTRACTS.

AN ACT relating to the treatment of workmen subject to the industrial insurance act through medical aid contracts; and amending section 51.40.020, chapter 23, Laws of 1961 and RCW 51.40.020.

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

SECTION 1. Section 51.40.020, chapter 23, Laws of 1961 and RCW 51.40.020 are each amended to read as follows:

RCW 51.40.020 amended.

Before any medical aid contract shall go into effect it shall be submitted to the supervisor of industrial insurance and may be disapproved by him when found not to provide for such care of injured workmen as is contemplated by the provisions of RCW 51.04.030 and, if a contract so submitted is with the owners of a hospital operating the same, or with a hospital association, the supervisor of industrial insurance shall have power to disapprove the same if in his judgment the ownership or management of such hospital or hospital association is not such as to produce satisfactory service. Any such contract with physician, surgeon, or owner and operator of a hospital, or with a hospital association, so disapproved shall not be valid. If approved the contract shall be in effect for any period of time specified therein, not exceeding three years from the date of approval: *Provided*, That the director, through the division of industrial insurance, may, before approving any such contract, require the giving by any physician, surgeon, hospital or hospital association, of a bond in such sum and in such form, as the director may determine, conditioned that the obligor will faithfully perform such contract. Every such contract to be valid must provide the injured workman the

Industrial insurance—
Medical aid contracts.
Approval—
Services by others than contracting group members.

Industrial
insurance—
Medical aid
contracts.

same services and a standard of service equal to that provided by the department for noncontract cases: *Provided*, That the contract shall provide for the payment of fees to licensed practitioners of the healing arts that are not members of the medical contracting group but who render services to a contract-covered employee. Such fees shall not exceed the agreed fee schedule of the medical contracting group and said fees shall be subject to the proration of payments on the same basis as the medical aid contracting group and any such practitioner participating in the agreement of any contract-covered employee shall agree to render similar services in the event of a catastrophe and to accept a proration of payments on the same basis as the medical contracting group. Every such contract to be valid must provide that the expenses incident to it shall be borne one-half by the employer and one-half by the employees, and that it shall be administered by the two interests jointly and equally.

Passed the House March 3, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 37.

[House Bill No. 339.]

APPROPRIATION—SESSION LAWS.

AN ACT relating to the publication of 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:

Appropriation. SECTION 1. There is hereby appropriated out of the general fund the sum of twenty-seven thousand dollars, or so much thereof as may be necessary, for

the reproduction, printing and mailing of the temporary publication of the session laws of the thirty-ninth session of the Washington state legislature and the proofreading of the bound volume edition 1965 session laws.

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. Emergency.

Passed the House March 5, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 38.

[House Bill No. 343.]

MOTOR VEHICLES—EXCESS SIZE AND WEIGHT PERMITS.

AN ACT relating to public highways; and adding new sections to chapter 12, Laws of 1961 and to chapter 46.44 RCW.

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

SECTION 1. There is added to chapter 12, Laws of 1961 and to chapter 46.44 RCW a new section to read as follows: New section.

In the event the congress of the United States further amends section 127, Title 23 of the United States Code, authorizing increased sizes and weights, the Washington state highway commission may authorize, by permit, the operation of vehicles and combinations of vehicles upon completed portions of the interstate highway system and other designated state highways as the commission may authorize if determined to be capable of accommodating the increased sizes and weights in excess of those prescribed in RCW 46.44.040 and 46.44.044, or as pro- Public high-ways, size and weight permits on. Increased size, weight, au- thorized, upon federal au- thorization— Fees—Disposi- tion of funds.

Public high-ways, size and weight permits on. Increased size, weight, authorized, upon federal authorization.

vided in RCW 46.44.010 and 46.44.037. Such permitted increases shall not in any way exceed the federal limits which would jeopardize the state's allotment of federal funds. Permits issued under this provision may be issued upon payment of a fee in the amount of sixty dollars per two thousand pounds in excess weight per year over and above the maximum fees levied in RCW 46.44.037, 46.44.047 and 46.44.095 relating to permits issued to combinations of vehicles. Other vehicles or combinations of vehicles, to be eligible for said permit, must be licensed to the maximum limits prescribed in RCW 46.44.040. The fees provided herein shall be subject to quarterly reduction and proration as provided in RCW 46.44.047 and 46.44.095. The fees levied in this section shall not apply to 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. All fees collected shall be deposited in the motor vehicle fund.

New section.

SEC. 2. There is added to chapter 12, Laws of 1961, and to chapter 46.44 RCW a new section to read as follows:

—Confisca-
tion of permit
—Commission
action.

Any state highway patrol officer who shall find any person operating a vehicle or a combination of vehicles in violation of the conditions of the special permit issued under section one of this amendatory act may confiscate such permit and forward the same to the state highway commission which may return it to the permittee or revoke, cancel or suspend it without refund. The state highway commission shall keep a record of all action taken upon permits so confiscated and if a permit shall be returned to the permittee the action taken by the commission shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the commission or person designated by the commission. The commission af-

ter such hearing may reinstate any permit or revise its previous action.

Passed the House March 5, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 39.

[House Bill No. 366.]

ADVISORY COUNCIL ON AGING.

AN ACT relating to public assistance and providing for an advisory council on aging; adding a new chapter to chapter 26, Laws of 1959 and to Title 74 RCW.

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

SECTION 1. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new chapter to read as set forth in sections 2 through 6 of this act.

New chapter.

SEC. 2. There is hereby created within the department of public assistance an advisory council which shall be known as the Washington state council on aging. The purpose of the council shall be to improve the socio-economic conditions of the aging in the state of Washington.

Washington state council on aging. Created—Members—Terms—Officers—Per diem.

Members shall be appointed by the governor, one from each legislative district of the state, plus an additional number of members not to exceed twenty, all of whom shall be selected on the basis of their known experience or interest in the welfare of aged persons, and they shall be selected on the basis of representation according to population insofar as possible. Four additional members shall be chosen from the legislature; two from the senate appointed by the president of the senate; and two from the house of representatives appointed by the speaker of the house. Of the members initially appointed by

Washington
state council
on aging.

the governor half shall be appointed for a two year term and half for a four year term. Thereafter, all appointments shall be for four years. The legislative appointments shall be for terms of two years each. Vacancies shall be filled by the appropriate appointing officer for the remainder of the unexpired terms.

The governor shall appoint from the membership a chairman and vice chairman to serve as such at his pleasure. The chairman shall establish up to seven geographic subcommittees and appoint the chairman and vice chairman of each.

The executive committee shall be composed of the council chairman, vice chairman, and each geographical committee chairman.

Members of the executive committee of the council shall be entitled to per diem allowance and travel expenses at the same rate as state employees in going to, attending and returning from official meetings of the executive committee if sufficient funds are available. The council chairman or his designated alternate shall also be entitled to per diem allowance and travel expenses at the same rate as state employees in going to, attending and returning from official area meetings.

The executive committee of the council shall fix the times and places of meetings, and the full advisory council shall meet with the executive committee in regular session at least once each year.

—Duties.

SEC. 3. The state council on aging shall:

(1) Advise with and recommend policies to the governor and to the director of the department of public assistance and other state departments in relation to the needs of the aging and aged.

(2) Recommend and promote programs designed to provide, strengthen, and coordinate such services as are deemed essential to the senior members of the state, and to that end, cooperate with existing agen-

cies, and to encourage and assist the organization of community units in the several counties of the state for local study and examination of the unmet needs of the senior members.

(3) Collect information, and collaborate with local, state, and national agencies and with special local community units in collecting statistics and information, regarding the problems encountered by aging persons and the underlying causes thereof.

(4) Make continuous studies of the educational, health, recreational, economic, employment and housing conditions of the older people with the object of recommending the adoption of measures designed to alleviate prevailing problems.

SEC. 4. The department through its administrative budget shall provide staff, office space, supplies and equipment as shall be determined necessary by the department to carry out the function of the council.

—Department to aid council functions.

In furthering the purposes of this council, authority is hereby given to the department of public assistance to accept contributions or gifts in cash or otherwise from private or public agencies, persons, associations or corporations, such contributions to be disbursed after consultation with the executive committee of the council in carrying out the duties prescribed in section 3: *Provided*, That the donor of such contributions or gifts may stipulate the purpose for which they shall be expended.

SEC. 5. There is hereby established an interdepartmental committee on aging to coordinate the plans, policies and activities of the state departments which have services affecting the aging and aged and to work with the state council on aging to implement its objectives. Membership shall consist of the director or his designated representative of the department of commerce and economic development, employment security, health, institu-

Interdepartmental committee on aging. Members—Officers—Duties.

State council, interdepartmental committee, on aging.

tions, labor and industries, parks and recreation, public assistance, public instruction, vocational education, vocational rehabilitation, the state library, and any other department named by the governor. The interdepartmental committee shall elect a chairman and recording secretary. The committee shall meet with the state council for aging at its regular meetings.

Consultant on aging as executive secretary.

SEC. 6. The consultant on aging of the state department of public assistance shall serve as the executive secretary to the council on aging and the interdepartmental committee.

Passed the House March 5, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 40.

[House Bill No. 397.]

STATE FOREST LANDS—
RECONVEYANCE TO LEWIS COUNTY.

AN ACT relating to state forest lands; and directing a reconveyance of certain lands to Lewis county.

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

Forest lands revested in Lewis county. Deed to be executed—Title description.

SECTION 1. The governor shall execute, the secretary of state shall attest, and the department of natural resources shall deliver to Lewis county, a legal subdivision of the state, a deed revesting Lewis county with all right, title, and interest acquired by the state of Washington in the west half of the southeast quarter of the southwest quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of section 22, township 13 north, range 5 west, W.M., from the county under deeds dated April 1, 1937, and recorded in Volume 225 of Deeds, page 100, and Volume 226 of Deeds, page 478, records of Lewis county, Washington.

Sec. 2. All right, title, and interest revested in Lewis county by delivery of a deed in accordance with section 1 of this act shall relate back to the time of the county's conveyance to the state, subject, however, to any rights of third parties acquired from the state between said date and the date of delivery of the deed reconveying the property to the county. Effect of deed.

Passed the House March 7, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 41.

[House Bill No. 432.]

FEMALES—HOURS OF EMPLOYMENT.

AN ACT relating to female employment; amending section 1, chapter 84, Laws of 1951 and RCW 49.28.070.

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

SECTION 1. Section 1, chapter 84, Laws of 1951 and RCW 49.28.070 are each amended to read as follows: RCW 49.28.070 amended.

No female shall be employed in any mechanical or mercantile establishment, laundry, hotel, or restaurant for more than eight hours during any day. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than eight hours during the twenty-four: *Provided*, That this section shall not apply to, or affect, females employed in harvesting, packing, curing, canning, or drying any variety of perishable fruit or vegetable, or to females employed in canning fish or shellfish, or to females employed in an administrative, executive or professional capacity: *Provided further*, That a three-member com- Female employment. Eight hour day for females—Commission established—Defense production permits.

Female
employment.

mission, consisting of one representative of labor, one of industry and one of state government, is hereby established. The commission shall be appointed by the governor from names submitted to him by organizations or associations representing labor, industry and government. The committee shall consider problems of national defense which may require relaxation of certain state practices or standards for the purpose of increasing defense and war production and shall consider any application made by employers therefor, which application must set forth the reason for the same. After investigation of any such application, the commission may, by majority vote, grant such application, in whole or in part, and issue a defense production permit covering a designated place of employment. Such permits shall be valid only during the existence of the specific emergency for which the permit was issued.

The commission shall continue in existence only so long as a national emergency, as proclaimed by the president, continues to exist.

Any employer violating the provisions hereof shall, upon conviction, be fined a sum not less than ten dollars nor more than one hundred dollars for each offense.

Passed the House March 8, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 42.

[House Bill No. 437.]

EXCISE TAXES—SPIRITS, WINE, STRONG BEER.

AN ACT relating to excise taxes on spirits, wine, or strong beer; amending section 82.08.150, chapter 15, Laws of 1961, as amended by section 2, chapter 24, Laws of 1961 extraordinary session and RCW 82.08.150; adding a new section to chapter 15, Laws of 1961 and to chapter 82.08 RCW; and prescribing an effective date.

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

SECTION 1. Section 82.08.150, chapter 15, Laws of 1961, as amended by section 2, chapter 24, Laws of 1961 extraordinary session, and RCW 82.08.150 are each amended to read as follows:

RCW 82.08.150
amended.

(1) There is levied and shall be collected from and after the first day of November, 1951, a tax upon each retail sale of spirits, wine, or strong beer in the original package at the rate of ten percent of the selling price, and the term "retail sale" as used herein shall include, in addition to the meaning ascribed thereto in chapter 82.04, any sale to a consumer or for resale by a retailer in such original package. The tax imposed in this section shall apply to all sales of spirits, wine, or strong beer by the Washington state liquor stores and agencies, including sales to licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales by the Washington state liquor control board stores and agencies of products subject to the tax imposed by this section.

Retail sales
tax. Tax on
certain sales
of intoxicating
liquor.

(2) There is levied and shall be collected from and after the first day of April, 1959, an additional tax upon each retail sale of spirits, wine, or strong beer in the original package at the rate of five percent of the selling price, and the term "retail sale" as used herein shall include the meaning ascribed thereto in chapter 82.04. The additional tax imposed

Tax on certain
sales of
intoxicating
liquor.

in this paragraph shall apply to the sale of spirits, wine, or strong beer by the Washington state liquor stores and agencies, excluding sales to Class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales by the Washington state liquor control board stores and agencies of products subject to the tax imposed by this paragraph.

(3) There is levied and shall be collected from and after the fifteenth day of April, 1961, an additional tax upon each retail sale of spirits in the original package at the rate of one and one-tenth 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 tax commission, to be deposited with the state treasurer, all moneys collected by it under this paragraph during the preceding month on sales made and subject to this paragraph. Upon receipt of such moneys the state treasurer shall deposit them in the state general fund and the provisions of RCW 82.08.160 and 82.08.170, and the provisions of chapter 43.66 relating to deposits, apportionment and distribution, shall have no application to the collections under this paragraph.

(4) The additional five percent tax enacted in subdivision (2) of this section shall not be levied upon or applied to sales of wine which have been subjected to the tax imposed by RCW 66.24.220.

(5) As used in this section, the terms, "spirits," "wine," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04.

SEC. 2. There is added to chapter 15, Laws of 1961 and to chapter 82.08 RCW a new section to read as follows: New section.

(1) There is hereby imposed upon every class "F" licensee who possesses wine for resale upon which the tax has not been paid under section 1 of this 1965 amendatory act, a floor stocks tax of ten percent of the class "F" licensee's purchase price of domestic wine and fifteen percent of the class "F" licensee's purchase price of wine other than domestic wine in his possession or under his control on July 1, 1965. Each such retailer shall within twenty days after July 1, 1965, file a report with the Washington state tax commission in such form as the tax commission may prescribe showing the wine products on hand on July 1, 1965, and with the purchase price thereof and the amount of tax due thereon. The tax imposed by this subsection shall be due and payable within twenty days after July 1, 1965, and thereafter bear interest at the rate of one percent per month. The provisions of this subsection shall not apply to agencies or stores of the Washington state liquor control board. Floor stocks tax on class "F" licensee's wine.

(2) As used in this section, the terms "wine," and "domestic wine," shall have the meaning ascribed to them in chapters 66.04 and 66.24.

SEC. 3. The effective date of this act is July 1, 1965. Effective date.

Passed the House March 3, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 43.

[House Bill No. 460.]

MOTOR VEHICLES—HEIGHT RESTRICTIONS.

AN ACT relating to vehicles; providing for the regulation and licensing thereof and of persons in relation thereto; and amending section 46.44.020, chapter 12, Laws of 1961 and RCW 46.44.020.

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

RCW 46.44.020
amended.

SECTION 1. Section 46.44.020, chapter 12, Laws of 1961 and RCW 46.44.020 are each amended to read as follows:

Motor ve-
hicles, size,
weight and
load. Maxi-
mum height—
Impaired
clearance
signs.

It shall be unlawful for any vehicle unladen or with load to exceed a height of thirteen feet and six inches above the level surface upon which the vehicle stands: *Provided*, That automobile transporters shall not exceed fourteen feet and that these height limitations shall not apply to authorized emergency vehicles or repair equipment of a public utility engaged in reasonably necessary operation. The provisions of this section shall not relieve the owner or operator of a vehicle or combination of vehicles from the exercise of due care in determining that sufficient vertical clearance is provided upon the public highways where such vehicle or combination of vehicles is being operated; and no liability shall attach to the state or to any county, city, town or other political subdivision by reason of any damage or injury to persons or property by reason of the existence of any structure over or across any public highway where the vertical clearance above the roadway is thirteen feet six inches or more; or, where such vertical clearance is less than thirteen feet six inches, if impaired clearance signs of a design approved by the Washington state highway commission are erected and maintained on the right side of any such public

highway: In cities and towns at a distance of not less than two hundred feet and not more than three hundred feet; and in rural areas at a distance of not less than three hundred fifty feet and not more than five hundred feet, from each side of such structure. If any structure over or across any public highway is not owned by the state or by a county, city, town or other political subdivision, it shall be the duty of the owner thereof when billed therefor to reimburse the Washington state highway commission or the county, city, town or other political subdivision having jurisdiction over such highway for the actual cost of erecting and maintaining such impaired clearance signs, but no liability shall attach to such owner by reason of any damage or injury to persons or property caused by impaired vertical clearance above the roadway.

Passed the House March 8, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 44.

[House Bill No. 464.]

APIARIES—OWNER IDENTIFICATION NUMBER.

AN ACT relating to apiaries; and amending section 15.60.030, chapter 11, Laws of 1961 and RCW 15.60.030.

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

SECTION 1. Section 15.60.030, chapter 11, Laws of 1961 and RCW 15.60.030 are each amended to read as follows:

RCW 15.60.030
amended.

Each person owning or having bees in his possession shall register without charge with the extension agent of the county wherein the bees are located, the location of the bee yard, name, address,

Apiaries, reg-
istration of—
identification
number.

Apiaries, registration of—
Identification number.

and phone number of the owner, and post at the beeyard a number as provided for herein, on or before April 1st each year.

Any person owning or operating over twenty-five colonies of bees in the state of Washington shall apply to the division of apiculture of the department for a permanent identification number, not transferable, which shall be posted conspicuously at the entrance of each apiary at all times, not more than one hundred fifty feet from the bees. Bees placed in orchards for pollination shall be exempt from posting during placement.

Passed the House March 5, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 45.

[House Bill No. 476.]

SLIDING GLASS DOORS—SALE—RESTRICTIONS.

AN ACT relating to building construction and to glass doors; prohibiting the sale of certain doors and glass assemblies; amending section 3, chapter 128, Laws of 1963 and RCW 70.89.030; and providing penalties.

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

RCW 70.89.030
amended.

SECTION 1. Section 3, chapter 128, Laws of 1963 and RCW 70.89.030 are each amended to read as follows:

Safety glass in
sliding glass
doors. Viola-
tions.

On and after January 1, 1964, it shall be unlawful for any person, firm or corporation to install in houses, buildings or other structures, or cause to be so installed, sliding glass doors, or sliding glass door assemblies unless the glazing material in such doors or assemblies is of a type and meets the test set forth in RCW 70.89.010. On and after January 1, 1966, it

shall be unlawful to sell any sliding glass doors or sliding glass assemblies unless the glazing material is of a type to meet the tests set forth in RCW 70.89.010.

Passed the House March 7, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 46.

[House Bill No. 494.]

COYOTE CONTROL—SPRING TRIGGERED DEVICES AUTHORIZED.

AN ACT relating to spring triggered devices and their use for predator control.

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

SECTION 1. The use of "coyote getters" or similar spring triggered shell devices shall not constitute a violation of any of the laws of the state of Washington when the use of such "coyote getters" is authorized by the state department of agriculture and/or the state department of game in cooperative programs with the United States Fish and Wildlife Service, for the purpose of controlling or eliminating coyotes harmful to livestock and game animals on range land or forest areas.

Predator control. Use of "coyote getters", when.

Passed the House March 5, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 47.

[Substitute House Bill No. 495.]

GRAVEL, ROCK, ETC. REMOVED FROM RIVERS—
USE BY PUBLIC AGENCIES.

AN ACT relating to public lands; and adding a new section to
chapter 79.01 RCW.

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

New section.

SECTION 1. There is added to chapter 79.01 RCW
a new section to read as follows:

Materials
from state-
owned river
beds, use by
public agen-
cies—
Procedure.

When gravel, rock, sand, silt or other material
from the state-owned bed and shores of any navig-
able river or stream within the state is removed by
public agencies or under public contract for channel
or harbor improvement, or flood control, use of such
material may be authorized by the department of
natural resources for a public purpose on land owned
by the state, or any municipality, county, or public
corporation. Prior to removal and use, the state
agency, municipality, county, or public corporation
contemplating such use shall first obtain written
permission from the department of natural resources.
No payment of royalty shall be required for such
gravel, rock, sand, silt, or other material unless the
same is sold or is used for some other purpose than
listed above. Nothing in this section shall repeal or
modify the provisions of RCW 75.20.100 or eliminate
the necessity of obtaining a permit for such removal
from other state agencies as otherwise required
by law.

Passed the House March 8, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 48.

[House Bill No. 514.]

HUNTING AND FISHING LICENSES—FEES.

AN ACT relating to game animals, game birds, and game fish; amending section 77.32.100, chapter 36, Laws of 1955 as amended by section 3, chapter 176, Laws of 1957 and RCW 77.32.100; amending section 77.32.103, chapter 36, Laws of 1955 as amended by section 4, chapter 176, Laws of 1957 and RCW 77.32.103; amending section 77.32.105, chapter 36, Laws of 1955 as amended by section 5, chapter 176, Laws of 1957 and RCW 77.32.105; amending section 77.32.110, chapter 36, Laws of 1955 as amended by section 6, chapter 176, Laws of 1957 and RCW 77.32.110; amending section 77.32.113, chapter 36, Laws of 1955 as amended by section 7, chapter 176, Laws of 1957 and RCW 77.32.113.

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

SECTION 1. Section 77.32.100, chapter 36, Laws of 1955 as amended by section 3, chapter 176, Laws of 1957 and RCW 77.32.100 are each amended to read as follows:

RCW 77.32.100
amended.

Any resident may by paying the sum of nine dollars obtain a state hunting and fishing license, which shall entitle the holder thereof to hunt and fish in any county of the state until the first day of January next following the date of its issuance, when it is lawful to hunt or fish therein.

Hunting and
fishing licenses
—Fees. Resi-
dent state.

SEC. 2. Section 77.32.103, chapter 36, Laws of 1955 as amended by section 4, chapter 176, Laws of 1957 and RCW 77.32.103 are each amended to read as follows:

RCW 77.32.103
amended.

Any resident may by paying the sum of five dollars and fifty cents obtain a state hunting license which shall entitle the holder thereof to hunt in any county of the state until the first day of January next following the date of its issuance, when it is lawful to hunt therein.

Resident state
hunting
license.

RCW 77.32.105 amended.

SEC. 3. Section 77.32.105, chapter 36, Laws of 1955 as amended by section 5, chapter 176, Laws of 1957 and RCW 77.32.105 are each amended to read as follows:

Hunting and fishing licenses --Fees. Resident state fishing.

Any resident may by paying the sum of five dollars and fifty cents obtain a state fishing license which shall entitle the holder thereof to fish in any county of the state until the first day of January next following the date of its issuance, when it is lawful to fish therein.

RCW 77.32.110 amended.

SEC. 4. Section 77.32.110, chapter 36, Laws of 1955 as amended by section 6, chapter 176, Laws of 1957 and RCW 77.32.110 are each amended to read as follows:

Resident county hunting and fishing license.

Any resident may by paying the sum of five dollars and twenty-five cents obtain a hunting and fishing license, which shall entitle the holder thereof to hunt and fish within the county in which he resides and for which the license is issued until the first day of January next following the date of issuance, when it is lawful to hunt or fish therein.

RCW 77.32.113 amended.

SEC. 5. Section 77.32.113, chapter 36, Laws of 1955 as amended by section 7, chapter 176, Laws of 1957 and RCW 77.32.113 are each amended to read as follows:

Resident county fishing license.

Any resident may by paying the sum of four dollars obtain a fishing license which shall entitle the holder thereof to fish within the county in which he resides and for which the license is issued until the first day of January next following the date of issuance, when it is lawful to fish therein.

Passed the House March 6, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 49.

[House Bill No. 575.]

INTOXICATING LIQUOR—PROHIBITIONS RELATING TO MINORS.

AN ACT relating to alcoholic beverage control; amending section 4, chapter 70, Laws of 1955, and RCW 66.44.290; adding two new sections to chapter 70, Laws of 1955 and to chapter 66.44 RCW; and providing penalties.

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

SECTION 1. Section 4, chapter 70, Laws of 1955, and RCW 66.44.290 are each amended to read as follows: RCW 66.44.290 amended.

Every person under the age of twenty-one years who purchases or attempts to purchase liquor shall be guilty of a violation of this title. Purchase, attempt to purchase, liquor by minor as violation.

SEC. 2. There is added to chapter 70, Laws of 1955 and to chapter 66.44 RCW a new section to read as follows: New section.

Every person between the ages of eighteen and twenty, inclusive, who is convicted of a violation of section 1 of this act shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a term of not more than thirty days, or both. —Penalty.

SEC. 3. There is added to chapter 70, Laws of 1955 and to chapter 66.44 RCW a new section to read as follows: New section.

The Washington state liquor control board shall furnish a certified transcript of any hearing or hearings held, wherein any licensee or his employee is found to have sold liquor to a minor, to the prosecuting attorney of the county in which the sale took place, upon which the prosecuting attorney may formulate charges against said minor or minors for such violation of this act as may appear. The transcript —Sales to minor, transcript of hearings on—As evidence.

shall not be admissible in evidence at the trial upon any such charges, except to impeach or contradict the testimony of a witness.

Passed the House March 8, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 50.

[House Bill No. 33.]

TACOMA NARROWS BRIDGE—TOLLS.

AN ACT relating to highways; providing that the Tacoma Narrows bridge shall become toll free; and adding a new section to chapter 13, Laws of 1961 and to chapter 47.56 RCW.

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

New section.

SECTION 1. There is added to chapter 13, Laws of 1961 and to chapter 47.56 RCW a new section to read as follows:

Tacoma Narrows Bridge—Toll free facility, when.

The Tacoma Narrows bridge hereinbefore by the provisions of RCW 47.16.140 and 47.56.270 made a part of the primary state highways of the state, shall be operated and maintained by the state highway commission as a toll free facility at such time as the present bonded indebtedness relating thereto is wholly retired and tolls equaling the present indebtedness of the toll bridge authority to the county of Pierce have been collected. It is the express intent of the legislature that the provisions of RCW 47.56.245 (section 47.56.245, chapter 13, Laws of 1961) shall not be applicable to the Tacoma Narrows Bridge.

Passed the House March 3, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 51.

[House Bill No. 50.]

PORT DISTRICTS—COMMISSIONERS.

AN ACT relating to port districts; amending section 3, chapter 17, Laws of 1959 and RCW 53.12.010; amending section 4, chapter 17, Laws of 1959 as amended by section 1, chapter 175, Laws of 1959 and RCW 53.12.020; amending section 9, chapter 175, Laws of 1959 and RCW 53.12.035; amending section 7, chapter 17, Laws of 1959 as amended by section 2, chapter 175, Laws of 1959 and RCW 53.12.040; amending section 10, chapter 175, Laws of 1959 and RCW 53.12.055; amending section 3, chapter 92, Laws of 1911 as last amended by section 3, chapter 175, Laws of 1959 and RCW 53.12.120; amending section 2, chapter 62, Laws of 1913 as last amended by section 11, chapter 17, Laws of 1959 and RCW 53.12.130; adding a new section to chapter 53.12; and repealing section 3, chapter 68, Laws of 1951 and RCW 53.12.173.

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

SECTION 1. Section 3, chapter 17, Laws of 1959 and RCW 53.12.010 are each amended to read as follows:

RCW 53.12.010 amended.

The powers of the port district shall be exercised through a port commission consisting of three members. In port districts located in a class AA county the members shall be residents of the county in which the port district is located. In all other port districts, three commissioner districts, numbered consecutively, having approximately equal population and boundaries following ward and precinct lines, shall be described in the petition for the formation of the port district, and one commissioner shall be elected from each of said commissioner districts.

Port districts. Commissioners. Number of.

In port districts having additional commissioners as authorized by RCW 53.12.120 and 53.12.130, the powers of the port district shall be exercised through a port commission consisting of five members constituted as provided therein.

RCW 53.12.020 amended.

SEC. 2. Section 4, chapter 17, Laws of 1959 as amended by section 1, chapter 175, Laws of 1959, and RCW 53.12.020 are each amended to read as follows:

Port districts. Commissioners. Qualifications.

In port districts located in a class AA county no person shall be eligible to hold the office of port commissioner unless he is a qualified voter of the district. In all other port districts except those located in a class AA county the person must be a qualified voter of the commissioner district from which he is elected.

RCW 53.12.035 amended.

SEC. 3. Section 9, chapter 175, Laws of 1959 and RCW 53.12.035 are each amended to read as follows:

Declarations of candidacy in class AA and A counties—Place, time and manner of filing.

All candidates for district offices in port districts of class AA and class A counties shall file their declarations of candidacy with the county auditor of the county as set forth in RCW 29.21.060, as now or hereafter amended and in the same manner as candidates for county offices. In port districts located in a class AA county the declaration may be for any numbered port commissioner position to be open in the next port district election. In port districts with five commissioners in existence on July 1, 1965, the respective numbered positions shall correspond to the numbers of the county commissioner districts from which the three original commissioners in the port districts were elected, with the central district being numbered one, and with positions four and five being assigned to the original at large commissioner positions for which the first incumbents received, respectively, the greater and lesser number of votes cast.

In all port districts in a class AA county, with three port commissioners there shall be three positions denominated positions one, two and three, and declarations of candidacy shall be for a specific position. Where a proposition for an increased number of port commissioners is on the ballot under RCW

53.12.120 and RCW 53.12.130, the two additional positions shall be denominated positions four and five, and candidates for the positions thus proposed to be created shall file declarations of candidacy for a specific position.

SEC. 4. Section 7, chapter 17, Laws of 1959 as amended by section 2, chapter 175, Laws of 1959 and RCW 53.12.040 are each amended to read as follows:

RCW 53.12.040 amended.

In port districts, other than port districts located in a class AA county, port commissioners shall file declarations of candidacy with the county auditor in which the port district is located for the commissioner district in which the candidate is a resident.

Declarations of candidacy—
Place of filing.

SEC. 5. Section 10, chapter 175, Laws of 1959 and RCW 53.12.055 are each amended to read as follows:

RCW 53.12.055 amended.

In the event that more than two candidates are filed after the last day for withdrawal of candidacy, in port districts in class AA and class A counties, the county auditor shall conduct a port district primary at the time provided by general law for such primaries.

Primaries in class AA and A counties, when.

In the event that after the last day for withdrawal of candidacy no more than two candidates are filed for the office of port district commissioner in any port commissioner district of a port district located in a class A county or for any numbered position for port district commissioner in any port district in a class AA county, the county auditor shall not conduct a primary and shall notify the candidates that there will be no primary.

SEC. 6. There is added to chapter 53.12 RCW a new section to read as follows:

New section.

The names of candidates for each position for port commissioner shall be rotated in the manner provided in RCW 29.30.040.

Ballots, rotation of names.

SEC. 7. Section 3, chapter 92, Laws of 1911 as last amended by section 3, chapter 175, Laws of 1959

RCW 53.12.120 amended.

and RCW 53.12.120 are each amended to read as follows:

Port districts. Commissioners. Increasing number of commissioners, election on—Numbered positions.

In port districts having a population of five hundred thousand or more, in accordance with the latest United States census, there shall be submitted to the voters of the district, at the first general election after June 11, 1953, the proposition of increasing the number of commissioners to five. At any general election thereafter, the same proposition may be submitted by resolution of the port commissioners, by filing a certified copy of the resolution with the county auditor at least four months prior to the general election. If the proposition is adopted, the commission in that port district shall consist of five commissioners in positions numbered as specified in section 3 of this amendatory act, the additional commissioners to take office five days after the election.

RCW 53.12.130 amended.

SEC. 8. Section 3, chapter 92, Laws of 1911 as last amended by section 11, chapter 17, Laws of 1959 and RCW 53.12.130 are each amended to read as follows:

—Terms— Election of successors.

At the same general election the names of the candidates for the additional port commissioner positions numbered four and five shall be printed on the ballot and voted on, but the election of such additional commissioners shall be contingent upon the adoption of the proposition for a commission of five members. The candidate for each additional numbered position receiving the highest number of votes shall be elected, and shall take office five days after the election. The additional commissioner thus elected receiving the highest number of votes shall hold office for six years and the other shall hold office for four years from the date provided by law for port commissioners to next commence their terms of office.

A successor to a commissioner holding position four or five whose term is about to expire, shall be

elected at the general election next preceding such expiration, for a term of six years.

SEC. 9. Section 3, chapter 68, Laws of 1951 and RCW 53.12.173 are each repealed. Repeal.

Passed the House March 5, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 52.

[House Bill No. 51.]

ELECTIONS—POSITIONS—BALLOTS.

AN ACT relating to elections; amending section 29.30.080; chapter 9, Laws of 1965, and RCW 29.30.080; and adding a new section to chapter 29.18 RCW.

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

SECTION 1. There is added to chapter 29.18 RCW a new section to read as follows: New section.

Not less than ten days before the time for filing declarations of candidacy for the office of state representative in representative districts embracing more than one county, the secretary of state shall in each case designate the positions to be filled by consecutive number commencing with the number, "No. 1". The county auditor shall do likewise for state representative positions in counties wherein the representative districts are confined to the whole or part of a single county. Election of state representative by position number.

The state representative position so designated shall be dealt with as separate offices for all election purposes. The provisions of this section shall not apply to those representative districts assigned a single state representative position.

SEC. 2. Section 29.30.080, chapter 9, Laws of 1965 and RCW 29.30.080 are each amended to read as follows: RCW 29.30.080 amended.

Elections.
General elec-
tion ballot—
Form.

All general election ballots prepared under the provision of this title shall conform to the following requirements:

(1) Shall be of white and a good quality of paper, and the names shall be printed thereon in black ink.

(2) Every ballot shall contain the name of every candidate whose nomination for any office specified in the ballot has been filed according to the provisions of this title and no other names.

(3) All nominations of any party or group of petitioners shall be placed under the title of such party of petitioners as designated by them in their certificate of nomination or petition, and the name of each nominee shall be placed under the designation of the office for which he has been nominated.

(4) There shall be a at the right of the name of each of its nominees so that a voter may clearly indicate the candidate or the candidates for whom he wishes to cast his ballot. The square shall be one-fourth of an inch. The size of type for the designation of the office shall be nonpareil caps; that of the candidates not smaller than brevier or larger than small pica caps and shall be connected with squares by leaders.

(5) The list of candidates of the party whose candidate for president of the United States received the highest number of votes from the electors of this state in the preceding presidential election shall be placed in the first column of the left hand side of the ballot, the party whose candidates for presidential electors or candidates received the next highest number of votes from the electors of this state in the preceding presidential election the second column and of other parties in the order in which certificates of nomination have been filed.

(6) No candidate's name shall appear more than once upon the ballot: *Provided*, That any candidate who has been nominated by two or more political

parties may, upon a written notice filed with the county auditor at least twenty days before the election is to be held, designate the political party under whose title he desires to have his name placed.

(7) Under the designation of the office if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

(8) Upon each official ballot a perforated line one-half inch from the left hand edge of said ballot shall extend from the top of said ballot towards the bottom of the same two inches thence to the left hand edge of the ballot and upon the space thus formed there shall be no printing except the number of such ballot which shall be upon the back of such space in such position that it shall appear on the outside when the ballot is folded. The county auditor shall cause official ballots to be numbered consecutively beginning with number one, for each separate voting precinct.

(9) Official ballots for a given precinct shall not contain the names of nominees for justices of the peace and constables of any other precinct except in cases of municipalities where a number of precincts vote for the same nominee for justices of the peace and constables and in the latter case the ballots shall contain only the names to be voted for by the electors of such precinct. Each party column shall be two and five-eighths inches wide.

(10) If the election is in a year in which a president of the United States is to be elected, in spaces separated from the balance of the party tickets by a heavy black line, shall be the names and spaces for voting for candidates for president and vice president. The names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets

Elections, Gen-
eral election
ballot—Form.

with one three-eighths inch square to the right in which the voter indicates his choice.

(11) On the top of each of said ballots and extending across the party groups, there shall be printed instructions directing the voters how to mark the ballot before the same shall be deposited with the judges of election. Next after the instructions and before the party group shall be placed the questions of adopting constitutional amendments or any other question authorized by law to be submitted to the voters of such election. The arrangement of the ballot shall in general conform as nearly as possible to the form hereinafter given.

Instructions: If you desire to vote for any candidate, place X in at the right of the name of such candidate.

(Here place any state or local questions to be voted on.)

REPUBLICAN PARTY	DEMOCRATIC PARTY	OTHER PARTY
PRESIDENT AND VICE PRESIDENT (Name of Candidate) } <input type="checkbox"/> (Name of Candidate) }	PRESIDENT AND VICE PRESIDENT (Name of Candidate) } <input type="checkbox"/> (Name of Candidate) }	
UNITED STATES SENATOR (Name of Candidate) <input type="checkbox"/>	UNITED STATES SENATOR (Name of Candidate) <input type="checkbox"/>	
REPRESENTATIVE IN CONGRESS 3rd CONGRESSIONAL DISTRICT (Name of Candidate) <input type="checkbox"/>	REPRESENTATIVE IN CONGRESS 3rd CONGRESSIONAL DISTRICT (Name of Candidate) <input type="checkbox"/>	
GOVERNOR (Name of Candidate) <input type="checkbox"/>	GOVERNOR (Name of Candidate) <input type="checkbox"/>	
LIEUTENANT GOVERNOR (Name of Candidate) <input type="checkbox"/>	LIEUTENANT GOVERNOR (Name of Candidate) <input type="checkbox"/>	
SECRETARY OF STATE (Name of Candidate) <input type="checkbox"/>	SECRETARY OF STATE (Name of Candidate) <input type="checkbox"/>	
STATE TREASURER (Name of Candidate) <input type="checkbox"/>	STATE TREASURER (Name of Candidate) <input type="checkbox"/>	

STATE AUDITOR (Name of Candidate) <input type="checkbox"/>	STATE AUDITOR (Name of Candidate) <input type="checkbox"/>	
ATTORNEY GENERAL (Name of Candidate) <input type="checkbox"/>	ATTORNEY GENERAL (Name of Candidate) <input type="checkbox"/>	
COMMISSIONER OF PUBLIC LANDS (Name of Candidate) <input type="checkbox"/>	COMMISSIONER OF PUBLIC LANDS (Name of Candidate) <input type="checkbox"/>	
INSURANCE COMMISSIONER (Name of Candidate) <input type="checkbox"/>	INSURANCE COMMISSIONER (Name of Candidate) <input type="checkbox"/>	
STATE SENATOR (1st District) (Name of Candidate) <input type="checkbox"/>	STATE SENATOR (1st District) (Name of Candidate) <input type="checkbox"/>	
STATE REPRESENTATIVE (31st District) Position No. 1 (Name of Candidate) <input type="checkbox"/>	STATE REPRESENTATIVE (31st District) Position No. 1 (Name of Candidate) <input type="checkbox"/>	
STATE REPRESENTATIVE (31st District) Position No. 2 (Name of Candidate) <input type="checkbox"/>	STATE REPRESENTATIVE (31st District) Position No. 2 (Name of Candidate) <input type="checkbox"/>	
STATE REPRESENTATIVE (31st District) Position No. 3 (Name of Candidate) <input type="checkbox"/>	STATE REPRESENTATIVE (31st District) Position No. 3 (Name of Candidate) <input type="checkbox"/>	

(Names of other candidates should follow on the ballot in the same form.)

Passed the House March 4, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 53.

[House Bill No. 60.]

WASHINGTON BUSINESS CORPORATION ACT.

AN ACT relating to corporations; amending section 1, chapter 173, Laws of 1927 and RCW 4.12.025; repealing pages 85, 86, and 87, Laws of 1886; page 288, Laws of 1890; chapter XXXVIII (38), Laws of 1895; chapter CXLII (142), Laws of 1895; chapter LXX (70), Laws of 1897; chapter 11,

Business corporation act.

Laws of 1905; chapter 41, Laws of 1911; chapter 93, Laws of 1915; chapter 168, Laws of 1923; chapter 185, Laws of 1933; sections 1 through 32, chapter 70, Laws of 1937; sections 1 through 18, chapter 143, Laws of 1939; section 7, chapter 103, Laws of 1941; chapter 32, Laws of 1943; chapter 195, Laws of 1947; sections 1 and 2, chapter 226, Laws of 1947; chapter 170, Laws of 1949; chapter 172, Laws of 1949; chapter 188, Laws of 1949; chapter 213, Laws of 1953; chapter 92, Laws of 1955; sections 1 through 3, chapter 143, Laws of 1955; sections 1 through 4, chapter 198, Laws of 1957; sections 1 and 2, chapter 12, Laws of 1959; sections 1 and 4, chapter 263, Laws of 1959; chapter 160, Laws of 1961; sections 1 and 2, chapter 208, Laws of 1961; section 1, chapter 132, Laws of 1963; chapters 23.01, 23.54, 23.60, and 23.70 RCW; RCW 23.52.010 through 23.52.120; providing penalties; and providing an effective date.

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

New chapter.

SECTION 1. There is added to Title 23 RCW a new chapter to read as set forth in sections 2 through 167 of this act.

Short title.

SEC. 2. This act shall be known and may be cited as the Washington business corporation act.

Definitions.

SEC. 3. As used in this act, unless the context otherwise requires, the term:

(1) "Corporation" or "domestic corporation" means a corporation for profit organized for a purpose for which a corporation may be organized under the provisions of this act, except a foreign corporation.

(2) "Foreign corporation" means a corporation for profit organized under laws other than the laws of this state for a purpose or purposes for which a corporation may be organized under this act.

(3) "Articles of incorporation" means the original or restated articles of incorporation or articles of consolidation and all amendments thereto including articles of merger.

(4) "Shares" means the units into which the proprietary interests in a corporation are divided.

(5) "Subscriber" means one who subscribes for one or more shares in a corporation, whether before or after incorporation.

(6) "Shareholder" means one who is a holder of record of one or more shares in a corporation, except as provided by section 57 of this act.

(7) "Authorized shares" means the shares of all classes which the corporation is authorized to issue.

(8) "Treasury shares" means shares of a corporation which have been issued, have been subsequently acquired by and belong to the corporation, and have not, either by reason of the acquisition or thereafter, been canceled or restored to the status of authorized but unissued shares. Treasury shares shall be deemed to be "issued" shares but not "outstanding" shares.

(9) "Net assets" means the amount by which the total assets of a corporation, excluding treasury shares, exceed the total debts of the corporation.

(10) "Stated capital" means, at any particular time, the sum of (a) the par value of all shares of the corporation having a par value that have been issued, (b) the amount of the consideration received by the corporation for all shares of the corporation without par value that have been issued, except such part of the consideration therefor as may have been allocated to capital surplus in a manner permitted by law, and (c) such amounts not included in clauses (a) and (b) of this paragraph as have been transferred to stated capital of the corporation, whether upon the issue of shares as a share dividend or otherwise, minus all reductions from such sum as have been effected in a manner permitted by law. Irrespective of the manner of designation thereof by the laws under which a foreign corporation is organized, the stated capital of a foreign corporation shall be determined on the same basis and in the same manner as the stated capital of a domestic corporation, for

Business corporation act.
Definitions.

the purpose of computing fees and other charges imposed by this act.

(11) "Surplus" means the excess of the net assets of a corporation over its stated capital.

(12) "Earned surplus" means the portion of the surplus of a corporation equal to the balance of its net profits, income, gains and losses from the date of incorporation, or from the latest date when a deficit was eliminated by an application of its capital surplus or stated capital or otherwise, after deducting subsequent distributions to shareholders and transfers to stated capital and capital surplus to the extent such distributions and transfers are made out of earned surplus. Earned surplus shall include also any portion of surplus allocated to earned surplus in mergers, consolidations or acquisitions of all or substantially all of the outstanding shares or of the property and assets of another corporation, domestic or foreign.

(13) "Capital surplus" means the entire surplus of a corporation other than its earned surplus.

(14) "Insolvent" means inability of a corporation to pay its debts as they become due in the usual courts of its business.

(15) For the purposes of sections 137, 138, 139, and 146 of this act the term or terms:

(a) "Stock" means shares.

(b) "Capital" and "capital stock" and "authorized capital stock" means the sum of (i) the par value of all shares of the corporation having a par value that the corporation is authorized to issue, and (ii) the amount expected to be allocated to stated capital out of the amount of the consideration expected to be received by the corporation in return for the issuance of all the shares without par value which the corporation is authorized to issue.

(c) "Capitalization" means stated capital.

(d) "Value of the assets received and to be received by such corporation in return for the issuance of its nonpar value stock" and "value of the assets represented by nonpar shares" mean the amount expected to be allocated to stated capital out of the amount of consideration expected to be received by the corporation in return for the issuance of all the shares without par value which the corporation is authorized to issue.

(e) "Value of the assets received in consideration of the issuance of such nonpar value stock" means the stated capital represented by the nonpar value shares issued by the corporation.

(f) "The number of shares of capital stock of the company" means the number of shares of the corporation.

SEC. 4. Corporations may be organized under this act for any lawful purpose or purposes, except for the purpose of banking or engaging in business as an insurer, and except:

Authorized purposes for organization—
Exceptions.

(1) Where special provision is made by law for the preparation, contents and filing of articles of incorporation of designated classes of corporations, such corporations shall be formed under such special provisions, and not hereunder.

(2) Any business, the conduct of which at the time of the passage of this chapter is forbidden to corporations by the Constitution, statutes or common law of this state.

SEC. 5. Each corporation shall have power:

General powers.

(1) To have perpetual succession by its corporate name unless a limited period of duration is stated in its articles of incorporation.

(2) To sue and be sued, complain and defend, in its corporate name.

(3) To have a corporate seal which may be altered at pleasure, and to use the same by causing

Business corporation act.
General powers.

it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.

(4) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use and otherwise deal in and with, real or personal property, or any interest therein, wherever situated.

(5) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.

(6) To lend money to its employees other than its officers and directors, and otherwise assist its employees, officers and directors.

(7) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporations, associations, partnerships or individuals, or direct or indirect obligations of the United States or of any other government, state, territory, governmental district or municipality or of any instrumentality thereof.

(8) To make contracts and guarantees and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of all or any of its property, franchises and income.

(9) To lend money for its corporate purposes, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested.

(10) To conduct its business, carry on its operations, and have offices and exercise the powers granted by this act in any state, territory, district, or possession of the United States, or in any foreign country.

(11) To elect or appoint officers and agents of

the corporation, and define their duties and fix their compensation.

(12) To make and alter bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for the administration and regulation of the affairs of the corporation.

(13) To make donations for the public welfare or for charitable, scientific or educational purposes; and in time of war to make donations in aid of war activities.

(14) In time of war to transact any lawful business in aid of the United States in the prosecution of the war.

(15) To indemnify any director or officer or former director or officer of the corporation, or any person who may have served at its request as a director or officer of another corporation in which it owns shares of capital stock or of which it is a creditor, against expenses actually and reasonably incurred by him in connection with the defense of any action, suit or proceeding, civil or criminal, in which he is made a party by reason of being or having been such director or officer, except in relation to matters as to which he shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty to the corporation; and to make any other indemnification that shall be authorized by the articles of incorporation or by any bylaw or resolution adopted by the shareholders after notice.

(16) To pay pensions and establish pension plans, pension trusts profit-sharing plans, stock bonus plans, stock option plans and other incentive plans for any or all of its directors, officers and employees.

(17) To cease its corporate activities and surrender its corporate franchise.

(18) To have and exercise all powers necessary

Business corporation act.
 Corporation's own shares,
 right to purchase, hold or
 dispose of—
 Limitations.

or convenient to effect any or all of the purposes for which the corporation is organized.

SEC. 6. A corporation shall have the right to purchase, take, receive or otherwise acquire, hold, own, pledge, transfer or otherwise dispose of its own shares, but purchases of its own shares, whether direct or indirect, shall be made only to the extent of unreserved and unrestricted earned surplus available therefor, and, if the articles of incorporation so permit or with the affirmative vote of the holders of at least two-thirds of all shares entitled to vote thereon, to the extent of unreserved and unrestricted capital surplus available therefor.

To the extent that earned surplus or capital surplus is used as the measure of the corporation's right to purchase its own shares, such surplus shall be restricted so long as such shares are held as treasury shares, and upon the disposition or cancellation of any such shares the restriction shall be removed pro tanto.

Notwithstanding the foregoing limitation, a corporation may purchase or otherwise acquire its own shares for the purpose of:

- (1) Eliminating fractional shares.
- (2) Collecting or compromising indebtedness to the corporation.
- (3) Paying dissenting shareholders entitled to payment for their shares under the provisions of this act.
- (4) Effecting, subject to the other provisions of this act, the retirement of its redeemable shares by redemption or by purchase at not to exceed the redemption price.

No purchase of or payment for its own shares shall be made at a time when the corporation is insolvent or when such purchase or payment would make it insolvent.

SEC. 7. No act of a corporation and no conveyance or transfer of real or personal property to or by a corporation shall be invalid by reason of the fact that the corporation was without capacity or power to do such act or to make or receive such conveyance or transfer, but such lack of capacity or power may be asserted:

Act of corporation or transfer of property by or to, assertion of lack of capacity or power for, when.

(1) In a proceeding by a shareholder against the corporation to enjoin the doing of any act or acts or the transfer of real or personal property by or to the corporation. If the unauthorized acts or transfer sought to be enjoined are being, or are to be, performed or made pursuant to any contract to which the corporation is a party, the court may, if all of the parties to the contract are parties to the proceeding and if it deems the same to be equitable, set aside and enjoin the performance of such contract, and in so doing may allow to the corporation or to the other parties to the contract, as the case may be, compensation for the loss or damage sustained by either of them which may result from the action of the court in setting aside and enjoining the performance of such contract, but anticipated profits to be derived from the performance of the contract shall not be awarded by the court as a loss or damage sustained.

(2) In a proceeding by the corporation, whether acting directly or through a receiver, trustee, or other legal representative, or through shareholders in a representative suit, against the incumbent or former officers or directors of the corporation.

(3) In a proceeding by the attorney general, as provided in this act, to dissolve the corporation, or in a proceeding by the attorney general to enjoin the corporation from the transaction of unauthorized business.

SEC. 8. (1) The corporate name:

(a) Shall contain the word "corporation," "company," "incorporated," or "limited," or shall contain

Corporate name—
Contents—
Limitations on.

Business cor-
poration act.
Corporate
name—
Contents—
Limitations on.

an abbreviation of one of such words, or such corporation shall, for use in this state, add at the end of its name one of such words or an abbreviation thereof.

(b) 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 or that it is authorized or empowered to conduct the business of banking or insurance.

(c) Shall not be the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this state or any foreign corporation authorized to transact business in this state, or a name the exclusive right to which is, at the time, reserved in the manner provided in this act, or the name of a corporation which has in effect a registration of its corporate name as provided in this act, unless

(i) such other domestic or foreign corporation is about to change its name, or to cease to do business, or is being wound up, or such foreign corporation is about to withdraw from doing business in this state, and

(ii) the written consent of such other domestic or foreign corporation to the adoption of its name or a deceptively similar name has been given and is filed with the articles of incorporation, provided, a deceptively similar name shall not be used if the secretary of state finds that the use of such name shall be against public interest.

(2) No corporation formed under this chapter shall include in its corporate name any of the following words or phrases: "Bank," "banking," "banker," "trust," "cooperative," or any combination of the words "industrial" and "loan," or any combination of any two or more words "building," "savings," "loan," "home," "association," "society," "room," "lounge" or any other words or phrases prohibited by any statute of this state.

(3) The assumption of a name in violation of this section shall not affect or vitiate the corporate existence, but the courts of this state, having equity jurisdiction, may, upon the application of the state, or of any person, unincorporated association, or corporation interested or affected, enjoin such corporation from doing business under a name assumed in violation of this section, although its articles of incorporation may have been approved and a certificate of incorporation issued.

SEC. 9. The exclusive right to the use of a corporate name may be reserved by:

Corporate name, reservation of right to use—Who may reserve—Procedure—Transfer.

(1) Any person intending to organize a corporation under this act.

(2) Any domestic corporation intending to change its name.

(3) Any foreign corporation intending to make application for a certificate of authority to transact business in this state.

(4) Any foreign corporation authorized to transact business in this state and intending to change its name.

(5) Any person intending to organize a foreign corporation and intending to have such corporation make application for a certificate of authority to transact business in this state.

The reservation shall be made by filing with the secretary of state an application to reserve a specified corporate name, executed by the applicant. If the secretary of state finds that the name is available for corporate use, he shall reserve the same for the exclusive use of the applicant for a period of one hundred and twenty days.

The right to the exclusive use of a specified corporate name so reserved may be transferred to any other person or corporation by filing in the office of the secretary of state, a notice of such transfer, ex-

cuted by the applicant for whom the name was reserved, and specifying the name and address of the transferee.

Business corporation act.
Corporate name, registration of—
Procedure—
Fee.

SEC. 10. Any corporation, organized and existing under the laws of any state or territory of the United States may register its corporate name under this act, provided its corporate name is not the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this state, or the name of any foreign corporation authorized to transact business in this state, or any corporate name reserved or registered under this act.

Such registration shall be made by:

(1) Filing with the secretary of state (a) an application for registration executed by the corporation by an officer thereof, setting forth the name of the corporation, the state or territory under the laws of which it is incorporated, the date of its incorporation, a statement that it is carrying on or doing business, and a brief statement of the business in which it is engaged, and (b) a certificate setting forth that such corporation is in good standing under the laws of the state or territory wherein it is organized, executed by the secretary of state of such state or territory or by such other official as may have custody of the records pertaining to corporations, and

(2) Paying to the secretary of state a registration fee in the amount of one dollar for each month, of fraction thereof, between the date of filing such application and December thirty-first of the calendar year in which such application is filed.

Such registration shall be effective until the close of the calendar year in which the application for registration is filed.

Corporate name, registration of—
Renewal—Fee.

SEC. 11. A corporation which has in effect a registration of its corporate name, may renew such registration from year to year by annually filing an

application for renewal setting forth the facts required to be set forth in an original application for registration and a certificate of good standing as required for the original registration and by paying a fee of ten dollars. A renewal application may be filed between the first day of October and the thirty-first day of December in each year, and shall extend the registration for the following calendar year.

SEC. 12. Each corporation shall have and continuously maintain in this state:

Registered office, agent, required.

(1) A registered office which may be, but need not be, the same as its place of business.

(2) A registered agent, which agent may be either an individual resident in this state whose business office is identical with such registered office, or a domestic corporation, or a foreign corporation authorized to transact business in this state, having a business office identical with such registered office.

SEC. 13. A corporation may change its registered office or change its registered agent or both, by executing and filing in the manner hereinafter provided a statement setting forth:

Registered office, agent, change of—Procedure—Resignation of registered agent—Procedure.

(1) The name of the corporation.

(2) The address of its then registered office.

(3) If the address of its registered office be changed, the address to which the registered office is to be changed.

(4) The name of its then registered agent.

(5) If its registered agent be changed, the name of its successor registered agent.

(6) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.

(7) That such change was authorized by resolution duly adopted by its board of directors.

(8) The date such change is to become effective.

Business corporation act.
Registered office, agent, change of—
Procedure—
Resignation of registered agent—
Procedure.

Such statement shall be executed in triplicate by the corporation by its president or a vice-president, and verified by him and delivered to the secretary of state on or before the date such change is to become effective. If the secretary of state finds that such statement conforms to the provisions of this act he shall put an endorsement of his approval on each original, file one original in his office, and return the other two originals to the corporation or its representative.

On or before the day when such change is to become effective an original of such statement shall be filed with the auditor of the county in which the registered office is then located, and, if the registered office is to be moved to another county, an original of such statement, together with a certified copy of the corporation's articles of incorporation and all amendments thereto, shall also be filed with the auditor of such other county.

Any registered agent of a corporation may resign as such agent upon filing a written notice thereof, executed in triplicate, with the secretary of state, who shall forthwith mail one copy thereof to the auditor of the county in which the registered office is then located, and one copy to the corporation at its registered office. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

Registered agent, purpose—
Secretary of state as agent, when—
Duties.

SEC. 14. The registered agent so appointed by a corporation shall be an agent of such corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.

Whenever a corporation shall fail to appoint or maintain a registered agent in this state, or whenever its registered agent cannot with reasonable diligence be found at the registered office, then the secretary of state shall be an agent of such corporation upon

whom any such process, notice, or demand may be served. Service on the secretary of state of any such process, notice, or demand shall be made by delivering to and leaving with him, or with any clerk having charge of the corporation department of his office, duplicate copies of such process, notice or demand. In the event any such process, notice or demand is served on the secretary of state, he shall immediately cause one of the copies thereof to be forwarded by registered mail, addressed to the corporation at its registered office. Any service so had on the secretary of state shall be returnable in not less than thirty days.

The secretary of state shall keep a record of all processes, notices and demands served upon him under this section, and shall record therein the time of such service and his action with reference thereto.

Nothing herein contained shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law.

SEC. 15. Each corporation shall have power to create and issue the number of shares stated in its articles of incorporation. Such shares may be divided into one or more classes, any or all of which classes may consist of shares with par value or shares without par value, with such designations, preferences, limitations, and relative rights as shall be stated in the articles of incorporation. The articles of incorporation may limit or deny the voting rights of or provide special voting rights for the shares of any class to the extent not inconsistent with the provisions of this act.

Shares, creation and issuance—
Classes, designations, preferences and limitations.

Without limiting the authority herein contained, a corporation, when so provided in its articles of incorporation, may issue shares of preferred or special classes:

Business corporation act.
Shares, creation and issuance—
Classes, designations, preferences and limitations.

(1) Subject to the right of the corporation to redeem any of such shares at the price fixed by the articles of incorporation for the redemption thereof.

(2) Entitling the holders thereof to cumulative, noncumulative or partially cumulative dividends.

(3) Having preference over any other class or classes of shares as to the payment of dividends.

(4) Having preference in the assets of the corporation over any other class or classes of shares upon the voluntary or involuntary liquidation of the corporation.

(5) Convertible into shares of any other class or into shares of any series of the same or any other class, except a class having prior or superior rights and preferences as to dividends or distribution of assets upon liquidation, but shares without par value shall not be converted into shares with par value unless that part of the stated capital of the corporation represented by such shares without par value is, at the time of conversion, at least equal to the aggregate par value of the shares into which the shares without par value are to be converted.

Shares, issuance in series—
Rights and limitations on—
Procedure.

SEC. 16. (1) If the articles of incorporation so provide, the shares of any preferred or special class may be divided into and issued in series. If the shares of any such class are to be issued in series, then each series shall be so designated as to distinguish the shares thereof from the shares of all other series and classes. Any or all of the series of any such class and the variations in the relative rights and preferences as between different series may be fixed and determined by the articles of incorporation, but all shares of the same class shall be identical except as to the following relative rights and preferences, as to which there may be variations between different series:

(a) The rate of dividend.

(b) Whether shares may be redeemed and, if so, the redemption price and the terms and conditions of redemption.

(c) The amount payable upon shares in event of voluntary and involuntary liquidation.

(d) Sinking fund provisions, if any, for the redemption or purchase of shares.

(e) The terms and conditions, if any, on which shares may be converted.

(2) If the articles of incorporation shall expressly vest authority in the board of directors, then, to the extent that the articles of incorporation shall not have established series and fixed and determined the variations in the relative rights and preferences as between series, the board of directors shall have authority to divide any or all of such classes into series and, within the limitations set forth in this section and in the articles of incorporation, fix and determine the relative rights and preferences of the shares of any series so established.

(3) In order for the board of directors to establish a series, where authority so to do is contained in the articles of incorporation, the board of directors shall adopt a resolution setting forth the designation of the series and fixing and determining the relative rights and preferences thereof, or so much thereof as shall not be fixed and determined by the articles of incorporation.

(4) Prior to the issue of any shares of a series established by resolution adopted by the board of directors, the corporation shall file and execute in the manner hereinafter provided a statement setting forth:

(a) The name of the corporation.

(b) A copy of the resolution establishing and designating the series, and fixing and determining the relative rights and preferences thereof.

(c) The date of adoption of such resolution.

Business corporation act.
Shares, issuance in series
—Rights and limitations on
—Procedure.

(d) That such resolution was duly adopted by the board of directors.

(5) Such statement shall be executed in triplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, and shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all fees have been paid as in this act prescribed:

(a) Endorse on each of such triplicate originals the word "Filed," and the month, day, and year of the filing thereof.

(b) File one of such originals in his office.

(c) Return the other two such originals to the corporation or its representative.

(6) One of such other originals shall then be filed in the office of the auditor of the county in which the registered office of the corporation is located and the other shall be retained by the corporation.

(7) Upon the filing of such statement by the secretary of state, the resolution establishing and designating the series and fixing and determining the relative rights and preferences thereof shall become effective and shall constitute an amendment of the articles of incorporation.

Subscription for shares—
Revocability—
Payment—
Procedure on default of
payment.

SEC. 17. A subscription for shares of a corporation to be organized shall be in writing and be irrevocable for a period of six months, unless otherwise provided by the terms of the subscription agreement or unless all of the subscribers consent to the revocation of such subscription.

Unless otherwise provided in the subscription agreement, subscriptions for shares, whether made before or after the organization of a corporation, shall be paid in full at such time, or in such installments and at such times, as shall be determined by the

board of directors. Any call made by the board of directors for payment on subscriptions shall be uniform as to all shares of the same class or as to all shares of the same series, as the case may be. In case of default in the payment of any installment or call when such payment is due, the corporation may proceed to collect the amount due in the same manner as any debt due the corporation. The bylaws may prescribe other penalties for failure to pay installments or calls that may become due, but no penalty working a forfeiture of a subscription, or of the amounts paid thereon, shall be declared as against any subscriber unless the amount due thereon shall remain unpaid for a period of twenty days after written demand has been made therefor. If mailed, such written demand shall be deemed to be made when deposited in the United States mail in a sealed envelope addressed to the subscriber at his last post office address known to the corporation, with postage thereon prepaid. In the event of the sale of any shares by reason of any forfeiture, the excess of proceeds realized over the amount due and unpaid on such shares shall be paid to the delinquent subscriber or to his legal representative.

SEC. 18. Shares having a par value may be issued for such consideration expressed in dollars, not less than the par value thereof, as shall be fixed from time to time by the board of directors.

Shares, consideration for, determination of—Limitations.

Shares without par value may be issued for such consideration expressed in dollars as may be fixed from time to time by the board of directors unless the articles of incorporation reserve to the shareholders the right to fix the consideration. In the event that such right be reserved as to any shares, the shareholders shall, prior to the issuance of such shares, fix the consideration to be received for such shares, by a vote of the holders of a majority of all shares entitled to vote thereon.

Business corporation act. Shares, consideration for, determination of—Limitations.

Treasury shares may be disposed of by the corporation for such consideration expressed in dollars as may be fixed from time to time by the board of directors.

That part of the surplus of a corporation which is transferred to stated capital upon the issuance of shares as a share dividend shall be deemed to be the consideration for the issuance of such shares.

In the event of a conversion of shares, or in the event of an exchange of shares with or without par value for the same or a different number of shares with or without par value, whether of the same or a different class or classes, the consideration for the shares so issued in exchange or conversion shall be deemed to be (1) the stated capital then represented by the shares so exchanged or converted, (2) that part of surplus, if any, transferred to stated capital upon the issuance of shares for the shares so exchanged or converted, and (3) any additional consideration paid to the corporation upon the issuance of shares for the shares so exchanged or converted.

Shares, consideration for, what constitutes.

SEC. 19. The consideration for the issuance of shares may be paid in whole or in part, in money, in other property, tangible or intangible, or in labor or services actually performed for the corporation. When payment of the consideration for which shares are to be issued shall have been received by the corporation, such shares shall be deemed to be fully paid and nonassessable.

Neither promissory notes nor future services shall constitute payment or part payment, for shares of a corporation.

In the absence of fraud in the transaction, the judgment of the board of directors or the shareholders, as the case may be, as to the value of the consideration received for shares shall be conclusive.

SEC. 20. In case of the issuance by a corporation of shares having par value, the consideration received therefor shall constitute stated capital to the extent of the par value of such shares, and the excess, if any, of such consideration shall constitute capital surplus.

Shares, consideration for, as stated capital, capital surplus or earned surplus.

In case of the issuance by a corporation of shares without par value, the entire consideration received therefor shall constitute stated capital unless the corporation shall determine as provided in this section that only a part thereof shall be stated capital. Within a period of sixty days after the issuance of any shares without par value, the board of directors may allocate to capital surplus any portion of the consideration received for the issuance of such shares. No such allocation shall be made of any portion of the consideration received for shares without par value having a preference in the assets of the corporation in the event of involuntary liquidation except the amount, if any, of such consideration in excess of such preference.

If shares have been or shall be issued by a corporation in merger or consolidation or in acquisition of all or substantially all of the outstanding shares or of the property and assets of another corporation, whether domestic or foreign, any amount that would otherwise constitute capital surplus under the foregoing provisions of this section may instead be allocated to earned surplus by the board of directors of the issuing corporation except that its aggregate earned surplus shall not exceed the sum of the earned surpluses as defined in this act of the issuing corporation and of all other corporations, domestic or foreign, that were merged or consolidated or of which the shares or assets were acquired.

The stated capital of a corporation may be increased from time to time by resolution of the board of directors directing that all or a part of the surplus

of the corporation be transferred to stated capital. The board of directors may direct that the amount of the surplus so transferred shall be deemed to be stated capital in respect of any designated class of shares.

Business corporation act. Organization, reorganization expenses as consideration for shares.

SEC. 21. The reasonable charges and expenses of organization or reorganization of a corporation, and the reasonable expenses of and compensation for the sale or underwriting of its shares, may be paid or allowed by such corporation out of the consideration received by it in payment for its shares without thereby rendering such shares not fully paid or assessable.

Certificates representing shares.

SEC. 22. The shares of a corporation shall be represented by certificates signed by the president or a vice-president and the secretary or an assistant secretary of the corporation, and may be sealed with the seal of the corporation or a facsimile thereof. The signatures of the president or vice-president and the secretary or assistant secretary upon a certificate may be facsimiles if the certificate is countersigned by a transfer agent, or registered by a registrar, other than the corporation itself or an employee of the corporation. In case any officer who has signed or whose facsimile signature has been placed upon such certificate shall have ceased to be such officer before such certificate is issued, it may be issued by the corporation with the same effect as if he were such officer at the date of its issue.

Every certificate representing shares issued by a corporation which is authorized to issue shares of more than one class shall set forth upon the face or back of the certificate, or shall state that the corporation will furnish to any shareholder upon request and without charge, a full statement of the designations, preferences, limitations, and relative rights of the shares of each class authorized to be issued and,

if the corporation is authorized to issue any preferred or special class in series, the variations in the relative rights and preferences between the shares of each such series so far as the same have been fixed and determined and the authority of the board of directors to fix and determine the relative rights and preferences of subsequent series.

Each certificate representing shares shall state upon the face thereof:

(1) That the corporation is organized under the laws of this state.

(2) The name of the person to whom issued.

(3) The number and class of shares, and the designation of the series, if any, which such certificate represents.

(4) The par value of each share represented by such certificate, or a statement that the shares are without par value.

No certificate shall be issued for any share until such share is fully paid.

SEC. 23. A corporation may, but shall not be obliged to, issue a certificate for a fractional share, and, by action of its board of directors, may issue in lieu thereof scrip in registered or bearer form which shall entitle the holder to receive a certificate for a full share upon the surrender of such scrip aggregating a full share. A certificate for a fractional share shall, but scrip shall not unless otherwise provided therein, entitle the holder to exercise voting rights, to receive dividends thereon, and to participate in any of the assets of the corporation in the event of liquidation. The board of directors may cause such scrip to be issued subject to the condition that it shall become void if not exchanged for certificates representing full shares before a specified date, or subject to the condition that the shares for which such scrip is exchangeable may be sold by the corporation and the proceeds thereof distributed to

Fractional
share certifi-
cate or scrip,
issuance of.

the holders of such scrip, or subject to any other conditions which the board of directors may deem advisable.

Business corporation act. Subscribers and stockholders, liability of.

SEC. 24. A holder of or subscriber to shares of a corporation shall be under no obligation to the corporation or its creditors with respect to such shares other than the obligation to pay to the corporation the full consideration for which such shares were issued or to be issued.

Any person becoming an assignee or transferee of shares or of a subscription for shares in good faith and without knowledge or notice that the full consideration therefor has not been paid shall not be personally liable to the corporation or its creditors for any unpaid portion of such consideration.

An executor, administrator, conservator, guardian, trustee, assignee for the benefit of creditors, or receiver shall not be personally liable to the corporation as a holder of or subscriber to shares of a corporation but the estate and funds in his hands shall be so liable.

No pledgee or other holder of shares as collateral security shall be personally liable as a shareholder.

Shareholder's preemptive rights.

SEC. 25. The preemptive right of a shareholder to acquire unissued shares of a corporation may be limited or denied to the extent provided in the articles of incorporation.

Bylaws, generally.

SEC. 26. The power to adopt, alter, amend or repeal the bylaws or adopt new bylaws shall be vested in the shareholders unless vested in the board of directors by the articles of incorporation. The bylaws may contain any provisions for the regulation and management of the affairs of the corporation not inconsistent with law or the articles of incorporation.

Bylaws, other powers, in emergency.

SEC. 27. The board of directors of any corporation may adopt emergency bylaws, subject to repeal

or change by action of the shareholders, which shall, notwithstanding any different provision elsewhere in this act or in the articles of incorporation or by-laws, be operative during any emergency in the conduct of the business of the corporation resulting from an attack on the United States or any nuclear or atomic disaster. The emergency bylaws may make any provision that may be practical and necessary for the circumstances of the emergency, including provisions that:

(1) A meeting of the board of directors may be called by any officer or director in such manner and under such conditions as shall be prescribed in the emergency bylaws;

(2) The director or directors in attendance at the meeting, or any greater number fixed by the emergency bylaws, shall constitute a quorum; and

(3) The officers or other persons designated on a list approved by the board of directors before the emergency, all in such order of priority and subject to such conditions and for such period of time (not longer than reasonably necessary after the termination of the emergency) as may be provided in the emergency bylaws or in the resolution approving the list, shall, to the extent required to provide a quorum at any meeting of the board of directors, be deemed directors for such meeting.

The board of directors, either before or during any such emergency, may provide, and from time to time modify, lines of succession in the event that during such an emergency any or all officers or agents of the corporation shall for any reason be rendered incapable of discharging their duties.

The board of directors, either before or during any such emergency, may, effective in the emergency, change the head office or designate several alternative head offices or regional offices, or authorize the officers so to do.

Business
corporation
act. Bylaws,
other powers,
in emergency.

To the extent not inconsistent with any emergency bylaws so adopted, the bylaws of the corporation shall remain in effect during any such emergency and upon its termination the emergency bylaws shall cease to be operative.

Unless otherwise provided in emergency bylaws, notice of any meeting of the board of directors during any such emergency may be given only to such of the directors as it may be feasible to reach at the time and by such means as may be feasible at the time, including publication or radio.

To the extent required to constitute a quorum at any meeting of the board of directors during any such emergency, the officers of the corporation who are present shall, unless otherwise provided in emergency bylaws, be deemed, in order of rank and within the same rank in order of seniority, directors for such meeting.

No officer, director or employee acting in accordance with any emergency bylaws shall be liable except for willful misconduct. No officer, director or employee shall be liable for any action taken by him in good faith in such an emergency in furtherance of the ordinary business affairs of the corporation even though not authorized by the bylaws then in effect.

Shareholder's,
meetings of.

SEC. 28. Meetings of shareholders may be held at such place, either within or without this state, as may be provided in the bylaws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation.

An annual meeting of the shareholders shall be held at such time as may be provided in the bylaws. Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation.

Special meetings of the shareholders may be called by the president, the board of directors, the

holders of not less than one-tenth of all the shares entitled to vote at the meeting, or such other officers or persons as may be provided in the articles of incorporation or the bylaws.

SEC. 29. Written notice stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than fifty days before the date of the meeting, either personally or by mail, by or at the direction of the president, the secretary, or the officer or persons calling the meeting, to each shareholder of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the shareholder at his address as it appears on the stock transfer books of the corporation, with postage thereon prepaid.

—Notice of Shareholder's meetings.

SEC. 30. For the purpose of determining shareholders entitled to notice of or to vote at any meeting of shareholders or any adjournment thereof, or entitled to receive payment of any dividend, or in order to make a determination of shareholders for any other proper purpose, the board of directors of a corporation may provide that the stock transfer books shall be closed for a stated period but not to exceed, in any case, fifty days. If the stock transfer books shall be closed for the purpose of determining shareholders entitled to notice of or to vote at a meeting of shareholders, such books shall be closed for at least ten days immediately preceding such meeting. In lieu of closing the stock transfer books, the bylaws, or in the absence of an applicable bylaw, the board of directors may fix in advance a date as the record date for any such determination of shareholders, such date in any case to be not more than fifty days and, in case of a meeting of share-

Closing of transfer books and fixing record date.

Business corporation act.
Closing of transfer books and fixing record date.

holders, not less than ten days prior to the date on which the particular action, requiring such determination of shareholders, is to be taken. If the stock transfer books are not closed and no record date is fixed for the determination of shareholders entitled to notice of or to vote at a meeting of shareholders, or shareholders entitled to receive payment of a dividend, the date on which notice of the meeting is mailed or the date on which the resolution of the board of directors declaring such dividend is adopted, as the case may be, shall be the record date for such determination of shareholders. When a determination of shareholders entitled to vote at any meeting of shareholders has been made as provided in this section, such determination shall apply to any adjournment thereof.

Voting list.

SEC. 31. The officer or agent having charge of the stock transfer books for shares of a corporation shall make, at least ten days before each meeting of shareholders, a complete list of the shareholders entitled to vote at such meeting or any adjournment thereof, arranged in alphabetical order, with the address of and the number of shares held by each, which list, for a period of ten days prior to such meeting, shall be kept on file at the registered office of the corporation. Such list shall be produced and kept open at the time and place of the meeting and shall be subject to the inspection of any shareholder during the whole time of the meeting for the purposes thereof. The original stock transfer books shall be prima facie evidence as to who are the shareholders entitled to examine such list or transfer books or to vote at any meeting of shareholders.

Failure to comply with the requirements of this section shall not affect the validity of any action taken at such meeting.

An officer or agent having charge of the stock transfer books who shall fail to prepare the list of

shareholders, or keep it on file for a period of ten days, or produce and keep it open for inspection at the meeting, as provided in this section, shall be liable to any shareholder suffering damage on account of such failure, to the extent of such damage.

SEC. 32. Unless otherwise provided in the articles of incorporation, a majority of the shares entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of shareholders. If a quorum is present, the affirmative vote of the majority of the shares represented at the meeting and entitled to vote on the subject matter shall be the act of the shareholders, unless the vote of a greater number or voting by classes is required by this act or the articles of incorporation or bylaws.

Quorum of shareholders.

SEC. 33. Each outstanding share, regardless of class, shall be entitled to one vote on each matter submitted to a vote at a meeting of shareholders, except to the extent that the voting rights of the shares of any class or classes are limited or denied by the articles of incorporation as permitted by this act.

Voting of shares.

Neither treasury shares, nor shares held by another corporation if a majority of the shares entitled to vote for the election of directors of such other corporation is held by the corporation, shall be voted at any meeting or counted in determining the total number of outstanding shares at any given time.

A shareholder may vote either in person or by proxy executed in writing by the shareholder or by his duly authorized attorney-in-fact. No proxy shall be valid after eleven months from the date of its execution, unless otherwise provided in the proxy. Unless the articles of incorporation otherwise provide, at each election for directors every shareholder entitled to vote at such election shall have the right to vote in person or by proxy, the number of shares

Business corporation act.
Voting of shares.

owned by him for as many persons as there are directors to be elected and for whose election he has a right to vote, or to cumulate his votes by giving one candidate as many votes as the number of such directors multiplied by the number of his shares shall equal, or by distributing such votes on the same principle among any number of such candidates.

Shares standing in the name of another corporation, domestic or foreign, may be voted by such officer, agent or proxy as the bylaws of such corporation may prescribe, or, in the absence of such provision, as the board of directors of such corporation may determine.

Shares held by an administrator, executor, guardian or conservator may be voted by him, either in person or by proxy, without a transfer of such shares into his name. Shares standing in the name of a trustee may be voted by him, either in person or by proxy, but no trustee shall be entitled to vote shares held by him without a transfer of such shares into his name.

Shares standing in the name of a receiver may be voted by such receiver, and shares held by or under the control of a receiver may be voted by such receiver without the transfer thereof into his name if authority so to do be contained in an appropriate order of the court by which such receiver was appointed.

A shareholder whose shares are pledged shall be entitled to vote such shares until the shares have been transferred into the name of the pledgee, and thereafter the pledgee shall be entitled to vote the shares so transferred.

On and after the date on which written notice of redemption of redeemable shares has been mailed to the holders thereof and a sum sufficient to redeem such shares has been deposited with a bank or trust company with irrevocable instruction and authority

to pay the redemption price to the holders thereof upon surrender of certificates therefor, such shares shall not be entitled to vote on any matter and shall not be deemed to be outstanding shares.

SEC. 34. Certificates of stock and the shares represented thereby standing in the name of a married woman may be transferred by her, her agent or attorney, without the signature of her husband, in the same manner as if such married woman were a femme sole. All dividends payable upon any shares of a corporation standing in the name of a married woman shall be paid to such married woman, her agent or attorney, in the same manner as if she were unmarried, and it shall not be necessary for her husband to join in a receipt therefor; and any proxy or power given by a married woman, touching any shares of any corporation standing in her name, shall be valid and binding without the signature of her husband, the same as if she were unmarried.

Stock transfer
by married
woman.

SEC. 35. Whenever certificates for shares or other securities issued by domestic or foreign corporations are or have been issued or transferred to two or more persons in joint tenancy form on the books or records of the corporation, it is presumed in favor of the corporation, its registrar and its transfer agent that the shares or other securities are owned by such persons in joint tenancy and not otherwise. A domestic or foreign corporation or its registrar or transfer agent is not liable for transferring or causing to be transferred on the books of the corporation to or pursuant to the direction of the surviving joint tenant or tenants any share or shares or other securities theretofore issued by the corporation to two or more persons in joint tenancy form on the books or records of the corporation, unless the transfer was made with actual knowledge by the corporation or by its registrar or transfer agent of the existence of any understanding, agreement, condition, or evidence

Shares issued
or transferred
in joint ten-
ancy form—
Presumption—
Transfers pur-
suant to
direction of
survivor.

that the shares or securities were held other than in joint tenancy, or of the invalidity of the joint tenancy or a breach of trust by the joint tenants.

Business corporation act.
Voting trust.

SEC. 36. Any number of shareholders of a corporation may create a voting trust for the purpose of conferring upon a trustee or trustees the right to vote or otherwise represent their shares, for a period of not to exceed ten years, by entering into a written voting trust agreement specifying the terms and conditions of the voting trust, by depositing a counterpart of the agreement with the corporation at its registered office, and by transferring their shares to such trustee or trustees for the purposes of the agreement. The certificates of shares so transferred shall be surrendered and canceled, and new certificates therefor issued to such person or persons, as such trustee or trustees, in which new certificates, it shall appear that they are issued pursuant to said agreement. In the entry of transfer on the books of the corporation it shall also be noted that the transfer is made pursuant to said agreement. The trustee or trustees shall execute and deliver to the transferors voting trust certificates. Such voting trust certificates shall be transferable in the same manner and with the same effect as certificates of stock under the laws of this state.

The counterpart of the voting trust agreement deposited with the corporation shall be subject to the same right of examination by a shareholder of the corporation, in person or by agent or attorney, as are the books and records of the corporation, and shall be subject to examination by any holder of a beneficial interest in the voting trust, either in person or by agent or attorney, at any reasonable time for any proper purpose.

At any time within six months before the expiration of such voting trust agreement as originally fixed or extended under this paragraph, one or more

holders of voting trust certificates may, by agreement in writing, extend the duration of such voting trust agreement, nominating the same or substitute trustee or trustees, for an additional period not exceeding ten years. Such extension agreement shall not affect the rights or obligations of persons not parties thereto and shall in every respect comply with and be subject to all the provisions of this act applicable to the original voting trust agreement.

SEC. 37. The business and affairs of a corporation shall be managed by a board of directors. The powers and duties of the board of directors may be prescribed by the bylaws. Directors need not be residents of this state or shareholders of the corporation unless the articles of incorporation or bylaws so require. The articles of incorporation or bylaws may prescribe other qualifications for directors. The board of directors shall have authority to fix the compensation of directors unless otherwise provided in the articles of incorporation.

Board of directors, generally.

SEC. 38. The number of directors of a corporation shall be not less than three. Subject to such limitation, the number of directors shall be fixed by the bylaws, except as to the number constituting the initial board of directors, which number shall be fixed by the articles of incorporation. The number of directors may be increased or decreased from time to time by amendment to the bylaws, but no decrease shall have the effect of shortening the term of any incumbent director. In the absence of a bylaw fixing the number of directors, the number shall be the same as that stated in the articles of incorporation. The names and addresses of the members of the first board of directors shall be stated in the articles of incorporation. Such persons shall hold office until the first annual meeting of shareholders, and until their successors shall have been elected

Directors, number and election of.

and qualified. At the first annual meeting of shareholders and at each annual meeting thereafter the shareholders shall elect directors to hold office until the next succeeding annual meeting, except in case of the classification of directors as permitted by this act. Each director shall hold office for the term for which he is elected and until his successor shall have been elected and qualified.

Business corporation act.
Directors,
qualification
of.

SEC. 39. When the board of directors shall consist of nine or more members, in lieu of electing the whole number of directors annually, the articles of incorporation may provide that the directors be divided into either two or three classes, each class to be as nearly equal in number as possible, the term of office of directors of the first class to expire at the first annual meeting of shareholders after their election, that of the second class to expire at the second annual meeting after their election, and that of the third class, if any, to expire at the third annual meeting after their election. At each annual meeting after such classification the number of directors equal to the number of the class whose term expires at the time of such meeting shall be elected to hold office until the second succeeding annual meeting, if there be two classes, or until the third succeeding annual meeting, if there be three classes. No classification of directors shall be effective prior to the first annual meeting of shareholders.

Directors,
vacancies.

SEC. 40. Any vacancy occurring in the board of directors may be filled by the affirmative vote of a majority of the remaining directors though less than a quorum of the board of directors. A director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office. Any directorship to be filled by reason of an increase in the number of directors may be filled by the board of directors for a term of office continuing only until the next election of directors by the shareholders.

SEC. 41. At a meeting called expressly for that purpose, directors may be removed in the manner provided in this section. The entire board of directors may be removed, with or without cause, by a vote of the holders of a majority of the shares then entitled to vote at an election of directors.

Directors,
removal of.

In the case of a corporation having cumulative voting, if less than the entire board is to be removed, no one of the directors may be removed if the votes cast against his removal would be sufficient to elect him if then cumulatively voted at an election of the entire board of directors, or, if there be classes of directors, at an election of the class of directors of which he is a part.

Whenever the holders of the shares of any class are entitled to elect one or more directors by the provisions of the articles of incorporation, the provisions of this section shall apply, in respect of the removal of a director or directors so elected, to the vote of the holders of the outstanding shares of that class and not to the vote of the outstanding shares as a whole.

SEC. 42. A majority of the number of directors fixed by the bylaws, or in the absence of a bylaw fixing the number of directors, then of the number stated in the articles of incorporation, shall constitute a quorum for the transaction of business unless a greater number is required by the articles of incorporation or the bylaws. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by the articles of incorporation or the bylaws.

Directors,
quorum of.

SEC. 43. If the articles of incorporation or the bylaws so provide, the board of directors, by resolution adopted by a majority of the full board of directors, may designate from among its members an executive committee and one or more other com-

Executive and
other com-
mittees.

Business corporation act. Executive and other committees.

mittees each of which, to the extent provided in such resolution or in the articles of incorporation or the bylaws of the corporation, shall have and may exercise all the authority of the board of directors, but no such committee shall have the authority of the board of directors in reference to amending the articles of incorporation, adopting a plan of merger or consolidation, recommending to the shareholders the sale, lease, exchange or other disposition of all or substantially all the property and assets of the corporation otherwise than in the usual and regular course of its business, recommending to the shareholders a voluntary dissolution of the corporation or a revocation thereof, or amending the bylaws of the corporation. The designation of any such committee and the delegation thereto of authority shall not operate to relieve the board of directors, or any member thereof, of any responsibility imposed by law.

Directors' meetings, place and notice of.

SEC. 44. Meetings of the board of directors, regular or special, may be held either within or without this state.

Regular meetings of the board of directors may be held with or without notice as prescribed in the bylaws. Special meetings of the board of directors shall be held upon such notice as is prescribed in the bylaws. Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors need be specified in the notice or waiver of notice of such meeting unless required by the bylaws.

Dividends.

SEC. 45. The board of directors of a corporation may, from time to time, declare and the corporation

may pay dividends on its outstanding shares in cash, property, or its own shares, except when the corporation is insolvent or when the payment thereof would render the corporation insolvent or when the declaration or payment thereof would be contrary to any restrictions contained in the articles of incorporation, subject to the following provisions:

(1) Except as otherwise provided in this section, dividends may be declared and paid in cash or property only out of the unreserved and unrestricted earned surplus of the corporation, or out of the unreserved and unrestricted net earnings of the current fiscal year and the next preceding fiscal year taken as a single period. No such dividend shall be paid which would reduce the net assets of the corporation below the aggregate preferential amount payable in event of voluntary liquidation to the holders of shares having preferential rights to the assets of the corporation in the event of liquidation.

(2) In the case of a corporation engaged in the business of exploiting natural resources or owning property having a limited life, such as a lease for a term of years, or a patent, dividends may be declared and paid in cash out of the depletion reserves, but each such dividend shall be identified as a distribution of such reserves and the amount per share paid from such reserves shall be disclosed to the shareholders receiving the same concurrently with the distribution thereof.

(3) Dividends may be declared and paid in its own shares out of any treasury shares that have been reacquired out of surplus of the corporation.

(4) Dividends may be declared and paid in its own authorized but unissued shares out of any unreserved and unrestricted surplus of the corporation upon the following conditions:

Business corporation act.
Dividends.

(a) If a dividend is payable in its own shares having a par value, such shares shall be issued at not less than the par value thereof and there shall be transferred to stated capital at the time such dividend is paid an amount of surplus at least equal to the aggregate par value of the shares to be issued as a dividend.

(b) If a dividend is payable in its own shares without par value, such shares shall be issued at such stated value as shall be fixed by the board of directors by resolution adopted at the time such dividend is declared, and there shall be transferred to stated capital at the time such dividend is paid an amount of surplus equal to the aggregate stated value so fixed in respect of such shares; and the amount per share so transferred to stated capital shall be disclosed to the shareholders receiving such dividend concurrently with the payment thereof.

(5) No dividend payable in shares of any class shall be paid to the holders of shares of any other class unless the articles of incorporation so provide or such payment is authorized by the affirmative vote or the written consent of the holders of at least a majority of the outstanding shares of the class in which the payment is to be made.

A split-up or division of the issued shares of any class into a greater number of shares of the same class without increasing the stated capital of the corporation shall not be construed to be a share dividend within the meaning of this section.

Distributions from capital surplus.

SEC. 46. The board of directors of a corporation may, from time to time, distribute to its shareholders out of capital surplus of the corporation a portion of its assets, in cash or property, subject to the following provisions:

(1) No such distribution shall be made at a time when the corporation is insolvent or when such distribution would render the corporation insolvent.

(2) No such distribution shall be made unless the articles of incorporation so provide or such distribution is authorized by the affirmative vote of the holders of a majority of the outstanding shares of each class whether or not entitled to vote thereon by the provisions of the articles of incorporation of the corporation.

(3) No such distribution shall be made to the holders of any class of shares unless all cumulative dividends accrued on all preferred or special classes of shares entitled to preferential dividends shall have been fully paid.

(4) No such distribution shall be made to the holders of any class of shares which would reduce the remaining net assets of the corporation below the aggregate preferential amount payable in event of voluntary liquidation to the holders of shares having preferential rights to the assets of the corporation in the event of liquidation.

(5) Each such distribution, when made, shall be identified as a distribution from capital surplus and the amount per share disclosed to the shareholders receiving the same concurrently with the distribution thereof.

The board of directors of a corporation may also, from time to time, distribute to the holders of its outstanding shares having a cumulative preferential right to receive dividends, in discharge of their cumulative dividend rights, dividends payable in cash out of the capital surplus of the corporation, if at the time the corporation has no earned surplus and is not insolvent and would not thereby be rendered insolvent. Each such distribution, when made, shall be identified as a payment of cumulative dividends out of capital surplus.

SEC. 47. No loans shall be made by a corporation Loans. to its officers or directors, unless first approved by the holders of two-thirds of the voting shares, and

no loans shall be made by a corporation secured by its shares.

Business corporation act.
Directors,
liability of in
certain cases.

SEC. 48. In addition to any other liabilities imposed by law upon directors of a corporation:

(1) Directors of a corporation who vote for or assent to the declaration of any dividend or other distribution of the assets of a corporation to its shareholders contrary to the provisions of this act or contrary to any restrictions contained in the articles of incorporation, shall be jointly and severally liable to the corporation for the amount of such dividend which is paid or the value of such assets which are distributed in excess of the amount of such dividend or distribution which could have been paid or distributed without a violation of the provisions of this act or the restrictions in the articles of incorporation.

(2) Directors of a corporation who vote for or assent to the purchase of its own shares contrary to the provisions of this act shall be jointly and severally liable to the corporation for the amount of consideration paid for such shares which is in excess of the maximum amount which could have been paid therefor without a violation of the provisions of this act.

(3) The directors of a corporation who vote for or assent to any distribution of assets of a corporation to its shareholders during the liquidation of the corporation without the payment and discharge of, or making adequate provision for, all known debts, obligations, and liabilities of the corporation shall be jointly and severally liable to the corporation for the value of such assets which are distributed, to the extent that such debts, obligations and liabilities of the corporation are not thereafter paid and discharged.

(4) The directors of a corporation who vote for or assent to the making of a loan to an officer or director of the corporation, or the making of any loan

secured by shares of the corporation, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof, unless approved by the shareholders as provided in section 47.

(5) If a corporation shall commence business before it has received at least five hundred dollars as consideration for the issuance of shares, the directors who assent thereto shall be jointly and severally liable to the corporation for such part of five hundred dollars as shall not have been received before commencing business, but such liability shall be terminated when the corporation has actually received five hundred dollars as consideration for the issuance of shares.

A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

A director shall not be liable under subsections (1), (2) or (3) of this section if he relied and acted in good faith upon financial statements of the corporation represented to him to be correct by the president or the officer of such corporation having charge of its books of account, or stated in a written report by an independent public or certified public accountant or firm of such accountants fairly to reflect the financial condition of such corporation, nor shall he be so liable if in good faith in determining the amount available for any such dividend or distri-

Business corporation act. Directors, liability of in certain cases.

bution he considered the assets to be of their book value.

Any director against whom a claim shall be asserted under or pursuant to this section for the payment of a dividend or other distribution of assets of a corporation and who shall be held liable thereon, shall be entitled to contribution from the shareholders who accepted or received any such dividend or assets, knowing such dividend or distribution to have been made in violation of this act, in proportion to the amounts received by them respectively.

Any director against whom a claim shall be asserted under or pursuant to this section shall be entitled to contribution from the other directors who voted for or assented to the action upon which the claim is asserted.

Shareholders, provisions relating to actions by.

SEC. 49. No action shall be brought in this state by a shareholder in the right of a domestic or foreign corporation unless the plaintiff was a holder of record of shares or of voting trust certificates therefor at the time of the transaction of which he complains, or his shares or voting trust certificates thereafter devolved upon him by operation of law from a person who was a holder of record at such time.

In any action hereafter instituted in the right of any domestic or foreign corporation by the holder or holders of record of shares of such corporation or of voting trust certificates therefor, the court having jurisdiction, upon final judgment and a finding that the action was brought without reasonable cause, may require the plaintiff or plaintiffs to pay to the parties named as defendant the reasonable expenses, including fees of attorneys, incurred by them in the defense of such action.

In any action now pending or hereafter instituted or maintained in the right of any domestic or foreign corporation by the holder or holders of record of less than five percent of the outstanding shares

of any class of such corporation or of voting trust certificates therefor, unless the shares or voting trust certificates so held have a market value in excess of twenty-five thousand dollars, the corporation in whose right such action is brought shall be entitled at any time before final judgment to require the plaintiff or plaintiffs to give security for the reasonable expenses, including fees of attorneys, that may be incurred by it in connection with such action or may be incurred by other parties named as defendant for which it may become legally liable. Market value shall be determined as of the date that the plaintiff institutes the action or, in the case of an intervener, as of the date that he becomes a party to the action. The amount of such security may from time to time be increased or decreased, in the discretion of the court, upon showing that the security provided has or may become inadequate or is excessive. The corporation shall have recourse to such security in such amount as the court having jurisdiction shall determine upon the termination of such action, whether or not the court finds the action was brought without reasonable cause.

SEC. 50. The officers of a corporation shall consist of a president, one or more vice-presidents as may be prescribed by the bylaws, a secretary, and a treasurer, each of whom shall be elected by the board of directors at such time and in such manner as may be prescribed by the bylaws. Such other officers and assistant officers and agents as may be deemed necessary may be elected or appointed by the board of directors or chosen in such other manner as may be prescribed by the bylaws. Any two or more offices may be held by the same person, except the offices of president and secretary.

Officers.

All officers and agents of the corporation, as between themselves and the corporation, shall have such authority and perform such duties in the man-

agement of the corporation as may be provided in the bylaws, or as may be determined by resolution of the board of directors not inconsistent with the bylaws.

Business corporation act.
Officers. Filing lists of corporate officers.

SEC. 51. Every corporation hereafter organized under this act shall, 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 every corporation heretofore or hereafter organized under the laws of the territory or state of Washington shall, within thirty days after its annual meeting 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 a statement, sworn to by its president and attested by its secretary and sealed with its corporate seal, containing a list of all its directors and officers and their respective titles of office, names and addresses, the term of office for which they have been chosen and the principal business activity of the corporation. The secretary of state shall file such statement in his office for the fee of one dollar. 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.

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.

SEC. 52. Any officer or agent may be removed by the board of directors whenever in its judgment the best interests of the corporation will be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed. Election or appointment of an officer or agent shall not of itself create contract rights.

Removal of officers.

SEC. 53. Each corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its shareholders and board of directors; and shall keep at its registered office or principal place of business, or at the office of its transfer agent or registrar, a record of its shareholders, giving the names and addresses of all shareholders and the number and class of the shares held by each.

Books and records.

Any person who shall have been a shareholder of record for at least six months immediately preceding his demand or who shall be the holder of record of at least five percent of all the outstanding shares of a corporation, upon written demand stating the purpose thereof, shall have the right to examine, in person, or by agent or attorney, at any reasonable time or times, for any proper purpose, its books and records of account, minutes and record of shareholders and to make extracts therefrom.

Any officer or agent who, or a corporation which, shall refuse to allow any such shareholder, or his agent or attorney, so to examine and make extracts from its books and records of account, minutes, and record of shareholders, for any proper purpose, shall be liable to such shareholder in a penalty of ten percent of the value of the shares owned by such shareholder, in addition to any other damages or remedy afforded him by law. It shall be a defense

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Books and records.

to any action for penalties under this section that the person suing therefor has within two years sold or offered for sale any list of shareholders of such corporation or any other corporation or has aided or abetted any person in procuring any list of shareholders for any such purpose, or has improperly used any information secured through any prior examination of the books and records of account, or minutes, or record of shareholders of such corporation or any other corporation, or was not acting in good faith or for a proper purpose in making his demand.

Nothing herein contained shall impair the power of any court of competent jurisdiction, upon proof by a shareholder of proper purpose, irrespective of the period of time during which such shareholder shall have been a shareholder of record, and irrespective of the number of shares held by him, to compel the production for examination by such shareholder of the books and records of account, minutes, and record of shareholders of a corporation.

Upon the written request of any shareholder of a corporation, the corporation shall mail to such shareholder its most recent financial statements showing in reasonable detail its assets and liabilities and the results of its operations.

Incorporators.

SEC. 54. One or more persons of the age of twenty-one years, or more, or a domestic or foreign corporation, may act as incorporator or incorporators of a corporation by signing and delivering in triplicate to the secretary of state articles of incorporation for such corporation.

Articles of incorporation.
Generally.

SEC. 55. The articles of incorporation shall set forth:

- (1) The name of the corporation.
- (2) The period of duration, which may be perpetual.

(3) The purpose or purposes for which the corporation is organized.

(4) The aggregate number of shares which the corporation shall have authority to issue; if such shares are to consist of one class only, the par value of each of such shares, or a statement that all of such shares are without par value; or, if such shares are to be divided into classes, the number of shares of each class, and a statement of the par value of the shares of each such class or that such shares are to be without par value.

(5) If all or any portion of the shares have no par value, the aggregate value of those shares, or, such aggregate value shall be stated in the affidavit filed pursuant to section 138 of this act.

(6) If the shares are to be divided into classes, the designation of each class and a statement of the preferences, limitations and relative rights in respect of the shares of each class.

(7) If the corporation is to issue the shares of any preferred or special class in series, then the designation of each series and a statement of the variations in the relative rights and preferences as between series insofar as the same are to be fixed in the articles of incorporation, and a statement of any authority to be vested in the board of directors to establish series and fix and determine the variations in the relative rights and preferences as between series.

(8) A statement that the corporation will not commence business until consideration of the value of at least five hundred dollars has been received for the issuance of shares.

(9) Any provision limiting or denying to shareholders the preemptive right to acquire additional shares of the corporation.

(10) Any provision, not inconsistent with law, which the incorporators elect to set forth in the ar-

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Articles of incorporation.
Generally.

articles of incorporation for the regulation of the internal affairs of the corporation, including any provision restricting the transfer of shares and any provision which under this act is required or permitted to be set forth in the bylaws.

(11) The address of its initial registered office and the name of its initial registered agent at such address.

(12) The number of directors constituting the initial board of directors and the names and addresses of the persons who are to serve as directors until the first annual meeting of shareholders or until their successors be elected and qualify.

(13) The name and address of each incorporator.

It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this act.

Filing of articles of incorporation.

SEC. 56. Triplicate originals of the articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that the articles of incorporation conform to law, he shall, when all the fees have been paid as in this act described:

(1) Endorse on each of such originals the word "Filed," and the month, day and year of the filing thereof.

(2) File one of such originals in his office.

(3) Issue a certificate of incorporation to which he shall affix one of such originals.

The certificate of incorporation together with the original of the articles of incorporation affixed thereto by the secretary of state, and the other remaining original shall be returned to the incorporators or their representative. Such remaining original shall then be filed in the office of the county auditor of the county in which the registered office is situated. The original affixed to the certificate of incorporation shall be retained by the corporation.

SEC. 57. Upon the issuance of the certificate of incorporation, the corporate existence shall begin, and such certificate of incorporation shall be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this act, except as against this state in a proceeding to cancel or revoke the certificate of incorporation or for involuntary dissolution of the corporation. Notwithstanding the provisions of section 3, subsection 6 of this act, those persons who subscribed for shares prior to the issuance of the certificate of incorporation, or their assigns, shall be shareholders in the corporation upon such issuance, unless their rights under the stock subscription agreement have been terminated under the provisions of section 17 of this act.

Effect of
issuance of
certificate of
incorporation.

SEC. 58. A corporation shall not transact any business or incur any indebtedness, except such as shall be incidental to its organization or to obtaining subscriptions to or payment for its shares, until there has been paid in for the issuance of shares consideration of the value of at least five hundred dollars.

Requirement
before com-
mencing
business.

SEC. 59. After the issuance of the certificate of incorporation an organization meeting of the board of directors named in the articles of incorporation shall be held, either within or without this state, at the call of a majority of the incorporators, for the purpose of electing officers and the transaction of such other business as may come before the meeting. The incorporators calling the meeting shall give at least three days' notice thereof by mail to each director so named, which notice shall state the time and place of meeting.

Directors, or-
ganizational
meeting of.

SEC. 60. A corporation may amend its articles of incorporation, from time to time, in any and as many respects as may be desired, so long as its articles of

Articles of
incorporation.
Right to
amend.

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Right to amend.

incorporation as amended contain only such provisions as might be lawfully contained in original articles of incorporation at the time of making such amendment, and, if a change in shares or the rights of shareholders, or an exchange, reclassification or cancellation of shares or rights of shareholders is to be made, such provisions as may be necessary to effect such change, exchange, reclassification or cancellation.

In particular, and without limitation upon such general power of amendment, a corporation may amend its articles of incorporation, from time to time, so as:

- (1) To change its corporate name.
- (2) To change its period of duration.
- (3) To change, enlarge or diminish its corporate purposes.
- (4) To increase or decrease the aggregate number of shares, or shares of any class, which the corporation has authority to issue.
- (5) To increase or decrease the par value of the authorized shares of any class having a par value, whether issued or unissued.
- (6) To exchange, classify, reclassify or cancel all or any part of its shares, whether issued or unissued.
- (7) To change the designation of all or any part of its shares, whether issued or unissued, and to change the preferences, limitations, and the relative rights in respect of all or any part of its shares, whether issued or unissued.
- (8) To change shares having a par value, whether issued or unissued, into the same or a different number of shares without par value, and to change shares without par value, whether issued or unissued, into the same or a different number of shares having a par value.
- (9) To change the shares of any class, whether issued or unissued, and whether with or without par

value, into a different number of shares of the same class or into the same or a different number of shares, either with or without par value, of other classes.

(10) To create new classes of shares having rights and preferences either prior and superior or subordinate and inferior to the shares of any class then authorized, whether issued or unissued.

(11) To cancel or otherwise affect the right of the holders of the shares of any class to receive dividends which have accrued but have not been declared.

(12) To divide any preferred or special class of shares, whether issued or unissued, into series and fix and determine the designations of such series and the variations in the relative rights and preferences as between the shares of such series.

(13) To authorize the board of directors to establish, out of authorized but unissued shares, series of any preferred or special class of shares and fix and determine the relative rights and preferences of the shares of any series so established.

(14) To authorize the board of directors to fix and determine the relative rights and preferences of the authorized but unissued shares of series theretofore established in respect of which either the relative rights and preferences have not been fixed and determined or the relative rights and preferences theretofore fixed and determined are to be changed.

(15) To revoke, diminish, or enlarge the authority of the board of directors to establish series out of authorized but unissued shares of any preferred or special class and fix and determine the relative rights and preferences of the shares of any series so established.

(16) To limit, deny or grant to shareholders of any class the preemptive right to acquire additional shares of the corporation, whether then or thereafter authorized.

Business corporation act. Articles of incorporation. Procedure to amend.

SEC. 61. Amendments to the articles of incorporation shall be made in the following manner:

(1) The board of directors shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(2) Written notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this act for the giving of notice of meetings of shareholders. If the meeting be an annual meeting, the proposed amendment or such summary may be included in the notice of such annual meeting.

(3) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of the holders of two-thirds of the shares entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event the proposed amendment shall be adopted upon receiving the affirmative vote of the holders of two-thirds of the shares of each class of shares entitled to vote thereon as a class and of the total shares entitled to vote thereon.

Any number of amendments may be submitted to the shareholders, and voted upon by them, at one meeting.

Class voting on amendments.

SEC. 62. The holders of the outstanding shares of a class shall be entitled to vote as a class upon a proposed amendment, whether or not entitled to vote thereon by the provisions of the articles of incorporation, if the amendment would:

(1) Increase or decrease the aggregate number of authorized shares of such class.

(2) Increase or decrease the par value of the shares of such class.

(3) Effect an exchange, reclassification or cancellation of all or part of the shares of such class.

(4) Effect an exchange, or create a right of exchange, of all or any part of the shares of another class into the shares of such class.

(5) Change the designations, preferences, limitations or relative rights of the shares of such class.

(6) Change the shares of such class, whether with or without par value, into the same or a different number of shares, either with or without par value, of the same class or another class or classes.

(7) Create a new class of shares having rights and preferences prior and superior to the shares of such class, or increase the rights and preferences of any class having rights and preferences prior or superior to the shares of such class.

(8) In the case of a preferred or special class of shares, divide the shares of such class into series and fix and determine the designation of such series and the variations in the relative rights and preferences between the shares of such series, or authorize the board of directors to do so.

(9) Limit or deny the existing preemptive rights of the shares of such class.

(10) Cancel or otherwise affect dividends on the shares of such class which have accrued but have not been declared.

SEC. 63. The articles of amendment shall be executed in triplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such articles, and shall set forth:

Articles of
amendment.

(1) The name of the corporation.

(2) The amendment so adopted.

(3) The date of the adoption of the amendment by the shareholders.

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(4) The number of shares outstanding, and the number of shares entitled to vote thereon, and if the shares of any class are entitled to vote thereon as a class, the designation and number of outstanding shares entitled to vote thereon of each such class.

(5) The number of shares voted for and against such amendment, respectively, and, if the shares of any class are entitled to vote thereon as a class, the number of shares of each such class voted for and against such amendment, respectively.

(6) If such amendment provides for an exchange, reclassification or cancellation of issued shares, and if the manner in which the same shall be effected is not set forth in the amendment, then a statement of the manner in which the same shall be effected.

(7) If such amendment effects a change in the amount of stated capital, then a statement of the manner in which the same is effected and a statement, expressed in dollars, of the amount of stated capital as changed by such amendment.

Articles of amendment, filing of.

SEC. 64. Triplicate originals of the articles of amendment shall be delivered to the secretary of state. If the secretary of state finds that the articles of amendment conform to law, he shall, when all fees have been paid as in this act prescribed:

(1) Endorse on each of such triplicate originals the word "Filed," and the month, day and year of the filing thereof.

(2) File one of such originals in his office.

(3) Issue a certificate of amendment to which he shall affix one of such originals.

The certificate of amendment, together with the original of the articles of amendment affixed thereto by the secretary of state, and the other remaining original, shall be returned to the corporation or its representative. Such remaining original shall then be filed in the office of the county auditor of the

county in which the registered office of the corporation is situated. The original affixed to the certificate of incorporation shall be retained by the corporation.

SEC. 65. Upon the issuance of the certificate of amendment by the secretary of state, the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly.

Certificate of amendment, effect of.

No amendment shall affect any existing cause of action in favor of or against such corporation, or any pending suit to which such corporation shall be a party, or the existing rights of persons other than shareholders; and, in the event the corporate name shall be changed by amendment, no suit brought by or against such corporation under its former name shall abate for that reason.

SEC. 66. (1) A domestic corporation may, at any time, by resolution of its board of directors and without the necessity of approval by its shareholders, restate in a single document the entire text of its articles of incorporation, as previously amended, supplemented or restated, by filing in the office of the secretary of state a document entitled "Restated Articles of Incorporation of (insert name of corporation)" which shall set forth the articles as amended and supplemented to the date of the restated articles.

Restated articles of incorporation.

(2) The restated articles of incorporation shall not alter or amend the original articles or any amendment thereto in any substantive respect and shall contain all the statements required by this chapter to be included in the original articles of incorporation, except that in lieu of setting forth the names and addresses of the first board of directors, the restated articles shall set forth the names and addresses of the directors in office at the time of the adoption of the restated articles; and no statement need be made with respect to the names and addresses of the incorporators or share subscribed by them.

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poration act.
Restated
articles of
incorporation.

(3) The restated articles of incorporation shall be prepared in triplicate originals, signed by the president or vice-president and by the treasurer, secretary or assistant secretary, of the corporation and shall be verified by their signed affidavits, (a) that they have been authorized to execute such restated articles by resolution of the board of directors adopted on the date stated, (b) that the restated articles correctly set forth the text of the articles of incorporation as amended and supplemented to the date of the restated articles and (c) that the restated articles supersede and take the place of theretofore existing articles of incorporation and amendments thereto.

(4) The triplicate originals of the restated articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that the restated articles conform to law, he shall put an endorsement of his approval upon each set, and when all taxes, fees and charges therefor have been paid as required by law, he shall file one of such sets in his office and record the same and shall issue a certificate of restated articles of incorporation. Thereupon the restated articles of incorporation shall become effective.

(5) The certificate of restated articles of incorporation, together with the two remaining sets of the restated articles of incorporation bearing the endorsement of the fact and time of filing in the office of the secretary of state, shall be returned to the corporation. One of the sets of the restated articles of incorporation shall then be filed in the office of the auditor of the county in which the registered office of the corporation is located, and the other shall be retained by the corporation.

(6) The restated articles of incorporation shall supersede and take the place of theretofore existing articles of incorporation and amendments thereto and shall have the same effect and may be used for

the same purposes as original articles of incorporation.

SEC. 67. (1) Whenever a plan of reorganization of a corporation has been confirmed by decree or order of a court of competent jurisdiction in proceedings for the reorganization of such corporation, pursuant to the provisions of any applicable statute of the United States relating to reorganizations of corporations, the articles of incorporation of the corporation may be amended, in the manner provided in this section, in as many respects as may be necessary to carry out the plan and put it into effect, so long as the articles of incorporation as amended contain only such provisions as might be lawfully contained in original articles of incorporation at the time of making such amendment.

Articles of incorporation, amendment of in reorganization proceedings.

In particular and without limitation upon such general power of amendment, the articles of incorporation may be amended for such purpose so as to:

(a) Change the corporate name, period of duration or corporate purposes of the corporation;

(b) Repeal, alter or amend the bylaws of the corporation;

(c) Change the aggregate number of shares, or shares of any class, which the corporation has authority to issue;

(d) Change the preferences, limitations and relative rights in respect of all or any part of the shares of the corporation, and classify, reclassify or cancel all or any part thereof, whether issued or unissued;

(e) Authorize the issuance of bonds, debentures or other obligations of the corporation, whether or not convertible into shares of any class or bearing warrants or other evidences of optional rights to purchase or subscribe for shares of any class, and fix the terms and conditions thereof; and

(f) Constitute or reconstitute and classify or reclassify the board of directors of the corporation, and

Business corporation act. Articles of incorporation, amendment of in reorganization proceedings.

appoint directors and officers in place of or in addition to all or any of the directors or officers then in office.

(2) Amendments to the articles of incorporation pursuant to this section shall be made in the following manner:

(a) Articles of amendment approved by decree or order of such court shall be executed and verified in triplicate by such person or persons as the court shall designate or appoint for the purpose, and shall set forth the name of the corporation, the amendments of the articles of incorporation approved by the court, the date of the decree or order approving the articles of amendment, the title of the proceedings in which the decree or order was entered, and a statement that such decree or order was entered by a court having jurisdiction of the proceedings for the reorganization of the corporation pursuant to the provisions of an applicable statute of the United States.

(b) Triplicate originals of the articles of amendment shall be delivered to the secretary of state. If the secretary of state finds that the articles of amendment conform to law, he shall, when all fees have been paid as in this act prescribed:

(i) Endorse on each of such originals the word "Filed," and the month, day and year of the filing thereof.

(ii) File one of such originals in his office.

(iii) Issue a certificate of amendment to which he shall affix one of such originals.

(3) The certificate of amendment, together with the original of the articles of amendment affixed thereto by the secretary of state and the other remaining original, shall be returned to the corporation or its representative. Such remaining original shall then be filed in the office of the county auditor of the county in which the registered office is situated. The

original affixed to the certificate of amendment shall be retained by the corporation.

(4) Upon the issuance of the certificate of amendment by the secretary of state, the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly, without any action thereon by the directors or shareholders of the corporation and with the same effect as if the amendments had been adopted by unanimous action of the directors and shareholders of the corporation.

SEC. 68. No redemption or purchase of redeemable shares shall be made by a corporation when it is insolvent or when such redemption or purchase would render it insolvent, or which would reduce the net assets below the aggregate amount payable to the holders of shares having prior or equal rights to the assets of the corporation upon involuntary dissolution.

Restriction on redemption or purchase of redeemable shares.

SEC. 69. (1) When redeemable shares of a corporation are redeemed or purchased by the corporation, the redemption or purchase shall effect a cancellation of such shares, and a statement of cancellation shall be filed as provided in this section. Thereupon such shares shall be restored to the status of authorized but unissued shares, unless the articles of incorporation provide that such shares when redeemed or purchased shall not be reissued, in which case the filing of the statement of cancellation shall constitute an amendment to the articles of incorporation and shall reduce the number of shares of the class so canceled which the corporation is authorized to issue by the number of shares so canceled.

Cancellation of redeemable shares by redemption or purchase.

(2) The statement of cancellation shall be executed in triplicate by the corporation by its president or a vice-president and by its secretary or an

Business corporation act. Cancellation of redeemable shares by redemption or purchase.

assistant secretary, and verified by one of the officers signing such statement, and shall set forth:

(a) The name of the corporation.

(b) The number of redeemable shares canceled through redemption or purchase, itemized by classes and series.

(c) The aggregate number of issued shares, itemized by classes and series, after giving effect to such cancellation.

(d) The amount, expressed in dollars, of the stated capital of the corporation after giving effect of such cancellation.

(e) If the articles of incorporation provide that the canceled shares shall not be reissued, then the number of shares which the corporation has authority to issue, itemized by classes and series, after giving effect to such cancellation.

(3) Triplicate originals of such statement shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all fees have been paid as in this act prescribed:

(a) Endorse on each of such originals the word "Filed," and the month, day and year of the filing thereof.

(b) File one of such originals in his office.

(c) Return the other originals to the corporation or its representative. One of these originals shall be filed in the office of the county auditor of the county in which the registered office of the corporation is situated, and the other original shall be retained by the corporation.

(4) Upon the filing by the secretary of state of such statement of cancellation, the stated capital of the corporation shall be deemed to be reduced by that part of the stated capital which was, at the time of such cancellation, represented by the shares so canceled.

(5) Nothing contained in this section shall be construed to forbid a cancellation of shares or a reduction of stated capital in any other manner permitted by this act.

SEC. 70. (1) A corporation may at any time, by resolution of its board of directors, cancel all or any part of the shares of the corporation of any class reacquired by it, other than redeemable shares redeemed or purchased, and in such event a statement of cancellation shall be filed as provided in this section.

Cancellation
of other re-
acquired
shares.

(2) The statement of cancellation shall be executed in triplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, and shall set forth:

(a) The name of the corporation.

(b) The number of reacquired shares canceled by resolution duly adopted by the board of directors, itemized by classes and series, and the date of its adoption.

(c) The aggregate number of issued shares, itemized by classes and series, after giving effect to such cancellation.

(d) The amount, expressed in dollars, of the stated capital of the corporation after giving effect to such cancellation.

(3) Triplicate originals of such statement shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all fees have been paid as in this act prescribed:

(a) Endorse on each of such originals the word "Filed," and the month, day and year of the filing thereof.

(b) File one of such originals in his office.

(c) Return the other originals to the corporation or its representative. One of these originals shall be

Business corporation act.
Cancellation of other reacquired shares.

filed in the office of the county auditor of the county in which the registered office of the corporation is situated, and the other original shall be retained by the corporation.

(4) Upon the filing by the secretary of state of such statement of cancellation, the stated capital of the corporation shall be deemed to be reduced by that part of the stated capital which was, at the time of such cancellation, represented by the shares so canceled, and the shares so canceled shall be restored to the status of authorized but unissued shares.

(5) Nothing contained in this section shall be construed to forbid a cancellation of shares or a reduction of stated capital in any other manner permitted by this act.

Reduction of stated capital in certain cases.

SEC. 71. (1) A reduction of the stated capital of a corporation, where such reduction is not accompanied by any action requiring an amendment of the articles of incorporation and not accompanied by a cancellation of shares, may be made in the following manner:

(a) The board of directors shall adopt a resolution setting forth the amount of the proposed reduction and the manner in which the reduction shall be effected, and directing that the question of such reduction be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(b) Written notice, stating that the purpose or one of the purposes of such meeting is to consider the question of reducing the stated capital of the corporation in the amount and manner proposed by the board of directors, shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this act for the giving of notice of meetings of shareholders.

(c) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the ques-

tion of approving the proposed reduction of stated capital, which shall require for its adoption the affirmative vote of the holders of a majority of the shares entitled to vote thereon.

(2) When a reduction of the stated capital of a corporation has been approved as provided in this section, a statement shall be executed in triplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, and shall set forth:

(a) The name of the corporation.

(b) A copy of the resolution of the shareholders approving such reduction, and the date of its adoption.

(c) The number of shares outstanding, and the number of shares entitled to vote thereon.

(d) The number of shares voted for and against such reduction, respectively.

(e) A statement of the manner in which such reduction is effected, and a statement, expressed in dollars, of the amount of stated capital of the corporation after giving effect to such reduction.

(3) Triplicate originals of such statement shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all fees have been paid as in this act prescribed:

(a) Endorse on each of such originals the word "Filed," and the month, day and year of the filing thereof.

(b) File one of such originals in his office.

(c) Return the other original to the corporation or its representative. One of these originals is to be filed in the office of the auditor of the county in which the registered office of the corporation is located, and the other is to be retained by the corporation.

Business corporation act. Reduction of stated capital in certain cases.

(4) Upon the filing of such statement by the secretary of state, the stated capital of the corporation shall be reduced as therein set forth.

(5) No reduction of stated capital shall be made under the provisions of this section which would reduce the amount of the aggregate stated capital of the corporation to an amount equal to or less than the aggregate preferential amounts payable upon all issued shares having a preferential right in the assets of the corporation in the event of involuntary liquidation, plus the aggregate par value of all issued shares having a par value but no preferential right in the assets of the corporation in the event of involuntary liquidation.

Special provisions relating to surplus and reserves.

SEC. 72. The surplus, if any, created by or arising out of a reduction of the stated capital of a corporation shall be capital surplus.

The capital surplus of a corporation may be increased from time to time by resolution of the board of directors directing that all or a part of the earned surplus of the corporation be transferred to capital surplus.

A corporation may, by resolution of its board of directors apply any part or all of its capital surplus to the reduction or elimination of any deficit arising from losses, however incurred, but only after first eliminating the earned surplus, if any, of the corporation by applying such losses against earned surplus and only to the extent that such losses exceed the earned surplus, if any. Each such application of capital surplus shall, to the extent thereof, effect a reduction of capital surplus.

A corporation may, by resolution of its board of directors, create a reserve or reserves out of its earned surplus for any proper purpose or purposes, and may abolish any such reserve in the same manner. Earned surplus of the corporation to the extent

so reserved shall not be available for the payment of dividends or other distributions by the corporation except as expressly permitted by this act.

SEC. 73. Any two or more domestic corporations may merge into one of such corporations pursuant to a plan of merger approved in the manner provided in this act.

Merger,
procedure for.

The board of directors of each corporation shall, by resolution adopted by each such board, approve a plan of merger setting forth:

(1) The names of the corporations proposing to merge, and the name of the corporation into which they propose to merge, which is hereinafter designated as the surviving corporation.

(2) The terms and conditions of the proposed merger.

(3) The manner and basis of converting the shares of each merging corporation into shares or other securities or obligations of the surviving corporation.

(4) A statement of any changes in the articles of incorporation of the surviving corporation to be effected by such merger.

(5) Such other provisions with respect to the proposed merger as are deemed necessary or desirable.

SEC. 74. Any two or more domestic corporations may consolidate into a new corporation pursuant to a plan of consolidation approved in the manner provided in this act.

Consolidation,
procedure for.

The board of directors of each corporation shall, by a resolution adopted by each such board, approve a plan of consolidation setting forth:

(1) The names of the corporations proposing to consolidate, and the name of the new corporation into which they propose to consolidate, which is hereinafter designated as the new corporation.

(2) The terms and conditions of the proposed consolidation.

(3) The manner and basis of converting the shares of each corporation into shares or other securities or obligations of the new corporation.

(4) With respect to the new corporation, all of the statements required to be set forth in articles of incorporation for corporations organized under this act.

(5) Such other provisions with respect to the proposed consolidation as are deemed necessary or desirable.

Business corporation act.
Merger or consolidation.
Approval by shareholders.

SEC. 75. The board of directors of each corporation, upon approving such plan of merger or plan of consolidation, shall, by resolution, direct that the plan be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting. Written notice shall be given to each shareholder of record, whether or not entitled to vote at such meeting, not less than twenty days before such meeting, in the manner provided in this act for the giving of notice of meetings of shareholders, and, whether the meeting be an annual or a special meeting, shall state that the purpose or one of the purposes is to consider the proposed plan of merger or consolidation. A copy or a summary of the plan of merger or plan of consolidation, as the case may be, shall be included in or enclosed with such notice.

At each such meeting, a vote of the shareholders shall be taken on the proposed plan of merger or consolidation. The plan of merger or consolidation shall be approved upon receiving the affirmative vote of the holders of two-thirds of the shares entitled to vote thereon of each such corporation, unless any class of shares of any such corporation is entitled to vote thereon as a class, in which event, as to such corporation, the plan of merger or consolidation shall be approved upon receiving the affirmative vote of

the holders of two-thirds of the shares of each class of shares entitled to vote thereon as a class and of the total shares entitled to vote thereon. Any class of shares of any such corporation shall be entitled to vote as a class if the plan of merger or consolidation, as the case may be, contains any provision which, if contained in a proposed amendment to articles of incorporation, would entitle such class of shares to vote as a class.

After such approval by a vote of the shareholders of each corporation, and at any time prior to the filing of the articles of merger or consolidation, the merger or consolidation may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger or consolidation.

SEC. 76. (1) Upon such approval, articles of merger or articles of consolidation shall be executed in triplicate by each corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers of each corporation signing such articles, and shall set forth:

Articles of
merger or
consolidation.

(a) The plan of merger or the plan of consolidation.

(b) As to each corporation, the number of shares outstanding, and, if the shares of any class are entitled to vote as a class, the designation and number of outstanding shares of each such class.

(c) As to each corporation, the number of shares voted for and against such plan, respectively, and, if the shares of any class are entitled to vote as a class, the number of shares of each such class voted for and against such plan, respectively.

(2) Triplicate originals of the articles of merger or articles of consolidation shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he shall, when all fees have been paid as in this act prescribed:

Business corporation act. Merger or consolidation. Articles of.

(a) Endorse on each of such originals the word "Filed," and the month, day and year of the filing thereof.

(b) File one of such originals in his office.

(c) Issue a certificate of merger or a certificate of consolidation to which he shall affix one of such originals.

(3) The certificate of merger or certificate of consolidation, together with the duplicate original of the articles of merger or articles of consolidation affixed thereto by the secretary of state, and the other remaining original, shall be returned to the surviving or new corporation, or its representative. Such remaining original shall then be filed in the office of the county auditor of the county in which the registered office is situated. The original affixed to the certificate of merger or consolidation shall be retained by the corporation.

Merger of subsidiary corporation.

SEC. 77. (1) Any corporation owning at least ninety-five percent of the outstanding shares of each class of another corporation may merge such other corporation into itself without approval by a vote of the shareholders of either corporation. Its board of directors shall, by resolution, approve a plan of merger setting forth:

(a) The name of the subsidiary corporation and the name of the corporation owning at least ninety-five percent of its shares, which is hereinafter designated as the surviving corporation.

(b) The manner and basis of converting the shares of the subsidiary corporation into shares or other securities or obligations of the surviving corporation or the cash or other consideration to be paid or delivered upon surrender of each share of the subsidiary corporation.

(2) A copy of such plan of merger shall be mailed to each shareholder of record of the subsidiary corporation.

(3) Articles of merger shall be executed in triplicate by the surviving corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of its officers signing such articles, and shall set forth:

(a) The plan of merger;

(b) The number of outstanding shares of each class of the subsidiary corporation and the number of such shares of each class owned by the surviving corporation; and

(c) The date of the mailing to shareholders of the subsidiary corporation of a copy of the plan of merger.

(4) On and after the thirtieth day after the mailing of a copy of the plan of merger to shareholders of the subsidiary corporation or upon the waiver thereof by the holders of all outstanding shares triplicate originals of the articles of merger shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he shall, when all fees have been paid as in this act prescribed:

(a) Endorse on each of such originals the word "Filed," and the month, day and year of the filing thereof;

(b) File one of such originals in his office; and

(c) Issue a certificate of merger to which he shall affix one of such originals.

(5) The certificate of merger, together with the original of the articles of merger affixed thereto by the secretary of state, and the other original, shall be returned to the surviving corporation or its representative. Such remaining original shall then be filed in the office of the auditor of the county in which the registered office of the corporation is situated. The original affixed to the certificate of merger shall be retained by the corporation.

SEC. 78. Upon the issuance of the certificate of merger or the certificate of consolidation by the sec- Effect of.

Business corporation act.
Merger or consolidation.
Effect of.

retary of state, the merger or consolidation shall be effected.

When such merger or consolidation has been effected:

(1) The several corporations parties to the plan of merger or consolidation shall be a single corporation, which, in the case of a merger, shall be that corporation designated in the plan of merger as the surviving corporation, and, in the case of a consolidation, shall be the new corporation provided for in the plan of consolidation.

(2) The separate existence of all corporations parties to the plan of merger or consolidation, except the surviving or new corporation, shall cease.

(3) Such surviving or new corporation shall have all the rights, privileges, immunities and powers and shall be subject to all the duties and liabilities of a corporation organized under this act.

(4) Such surviving or new corporation shall thereupon and thereafter possess all the rights, privileges, immunities, and franchises, as well of a public as of a private nature, of each of the merging or consolidating corporations; and all property, real, personal and mixed, and all debts due on whatever account, including subscriptions to shares, and all other choses in action, and all and every other interest of or belonging to or due to each of the corporations so merged or consolidated, shall be taken and deemed to be transferred to and vested in such single corporation without further act or deed; and the title to any real estate, or any interest therein, vested in any of such corporations shall not revert or be in any way impaired by reason of such merger or consolidation.

(5) Such surviving or new corporation shall thenceforth be responsible and liable for all the liabilities and obligations of each of the corporations so merged or consolidated; and any claim existing or

action or proceeding pending by or against any of such corporations may be prosecuted as if such merger or consolidation had not taken place, or such surviving or new corporation may be substituted in its place. Neither the rights of creditors nor any liens upon the property of any such corporation shall be impaired by such merger or consolidation.

(6) In the case of a merger, the articles of incorporation of the surviving corporation shall be deemed to be amended to the extent, if any, that changes in its articles of incorporation are stated in the plan of merger; and, in the case of a consolidation, the statements set forth in the articles of consolidation and which are required or permitted to be set forth in the articles of incorporation of corporations organized under this act shall be deemed to be the original articles of incorporation of the new corporation.

SEC. 79. One or more foreign corporations and one or more domestic corporations may be merged or consolidated in the following manner, if such merger or consolidation is permitted by the laws of the state under which each such foreign corporation is organized:

Merger or consolidation of domestic and foreign corporations.

(1) Each domestic corporation shall comply with the provisions of this act with respect to the merger or consolidation, as the case may be, of domestic corporations and each foreign corporation shall comply with the applicable provisions of the laws of the state under which it is organized.

(2) If the surviving or new corporation, as the case may be, is to be governed by the laws of any state other than this state, it shall comply with the provisions of this act with respect to foreign corporations if it is to transact business in this state, and in every case it shall file with the secretary of state of this state:

Business corporation act.
Merger or consolidation, when domestic and foreign corporation.

(a) An agreement that it may be served with process in this state in any proceeding for the enforcement of any obligation of any domestic corporation which is a party to such merger or consolidation and in any proceeding for the enforcement of the rights of a dissenting shareholder of any such domestic corporation against the surviving or new corporation;

(b) An irrevocable appointment of the secretary of state of this state as its agent to accept service of process in any such proceeding; and

(c) An agreement that it will promptly pay to the dissenting shareholders of any such domestic corporation the amount, if any, to which they shall be entitled under the provisions of this act with respect to the rights of dissenting shareholders.

The effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations, if the surviving or new corporation is to be governed by the laws of this state. If the surviving or new corporation is to be governed by the laws of any state other than this state, the effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations except insofar as the laws of such other state provide otherwise.

At any time prior to the filing of the articles of merger or consolidation, the merger or consolidation may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger or consolidation.

Assets, sale of in regular course of business—Mortgage or pledge of assets.

SEC. 80. The sale, lease, exchange, or other disposition of all, or substantially all, the property and assets of a corporation in the usual and regular course of its business and the mortgage or pledge of any or all property and assets of a corporation whether or not in the usual and regular course of business may

be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares of any other corporation, domestic or foreign, as shall be authorized by its board of directors; and in any such case no authorization or consent of the shareholders shall be required.

SEC. 81. A sale, lease, exchange, or other disposition of all, or substantially all, the property and assets, with or without the good will, of a corporation, if not in the usual and regular course of its business, may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares of any other corporation, domestic or foreign, as may be authorized in the following manner:

Assets, sale of other than in regular course of business.

(1) The board of directors shall adopt a resolution recommending such sale, lease, exchange, or other disposition and directing the submission thereof to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(2) Written notice shall be given to each shareholder of record, whether or not entitled to vote at such meeting, not less than twenty days before such meeting, in the manner provided in this act for the giving of notice of meetings of shareholders, and, whether the meeting be an annual or a special meeting, shall state that the purpose, or one of the purposes is to consider the proposed sale, lease, exchange, or other disposition.

(3) At such meeting the shareholders may authorize such sale, lease, exchange, or other disposition and may fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such authorization shall require the affirmative vote of the holders of two-thirds

Business corporation act. Assets, disposal of. Other than in regular course of business.

of the shares of the corporation entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event such authorization shall require the affirmative vote of the holders of two-thirds of the shares of each class of shares entitled to vote as a class thereon and of the total shares entitled to vote thereon.

(4) After such authorization by a vote of shareholders, the board of directors nevertheless, in its discretion, may abandon such sale, lease, exchange, or other disposition of assets, subject to the rights of third parties under any contracts relating thereto, without further action or approval by shareholders.

Right of shareholders to dissent.

SEC. 82. Any shareholder of a corporation shall have the right to dissent from any of the following corporate actions:

(1) Any plan of merger or consolidation to which the corporation is a party; or

(2) Any sale or exchange of all or substantially all of the property and assets of the corporation not made in the usual and regular course of its business, including a sale in dissolution, but not including a sale pursuant to an order of a court having jurisdiction in the premises or a sale for cash on terms requiring that all or substantially all of the net proceeds of sale be distributed to the shareholders in accordance with their respective interests within one year after the date of sale.

A shareholder may dissent as to less than all of the shares registered in his name. In that event, his rights shall be determined as if the shares as to which he has dissented and his other shares were registered in the names of different shareholders.

The provisions of this section shall not apply to the shareholders of the surviving corporation in a merger if such corporation is on the date of the filing of the articles of merger the owner of all the out-

standing shares of the other corporations, domestic or foreign, which are parties to the merger, or if a vote of the shareholders of such corporation is not necessary to authorize such merger.

SEC. 83. Any shareholder electing to exercise such right of dissent shall file with the corporation, prior to or at the meeting of shareholders at which such proposed corporate action is submitted to a vote, a written objection to such proposed corporate action. If such proposed corporate action be approved by the required vote and such shareholder shall not have voted in favor thereof, such shareholder may, within ten days after the date on which the vote was taken, or if a corporation is to be merged without a vote of its shareholders into another corporation, any other shareholders may, within fifteen days after the plan of such merger shall have been mailed to such shareholders, make written demand on the corporation, or, in the case of a merger or consolidation, on the surviving or new corporation, domestic or foreign, for payment of the fair value of such shareholder's shares, and, if such proposed corporate action is effected, such corporation shall pay to such shareholder, upon surrender of the certificate or certificates representing such shares, the fair value thereof as of the day prior to the date on which the vote was taken approving the proposed corporate action, excluding any appreciation or depreciation in anticipation of such corporate action. Any shareholder failing to make demand within the ten day period shall be bound by the terms of the proposed corporate action. Any shareholder making such demand shall thereafter be entitled only to payment as in this section provided and shall not be entitled to vote or to exercise any other rights of a shareholder.

Rights of
dissenting
shareholders.

No such demand shall be withdrawn unless the corporation shall consent thereto. The right of such shareholder to be paid the fair value of his shares

Business corporation act.
Assets, disposal of.
Rights of dissenting shareholders.

shall cease and his status as a shareholder shall be restored, without prejudice to any corporate proceedings which may have been taken during the interim, if:

(1) Such demand shall be withdrawn upon consent; or

(2) The proposed corporate action shall be abandoned or rescinded or the shareholders shall revoke the authority to effect such action; or

(3) In the case of a merger, on the date of the filing of the articles of merger the surviving corporation is the owner of all the outstanding shares of the other corporations, domestic and foreign, that are parties to the merger; or

(4) No demand or petition for the determination of fair value by a court shall have been made or filed within the time provided by this section; or

(5) A court of competent jurisdiction shall determine that such shareholder is not entitled to the relief provided by this section.

Within ten days after such corporate action is effected, the corporation, or, in the case of a merger or consolidation, the surviving or new corporation, domestic or foreign, shall give written notice thereof to each dissenting shareholder who has made demand as herein provided, and shall make a written offer to each such shareholder to pay for such shares at a specified price deemed by such corporation to be the fair value thereof. Such notice and offer shall be accompanied by a balance sheet of the corporation the shares of which the dissenting shareholder holds, as of the latest available date and not more than twelve months prior to the making of such offer, and a profit and loss statement of such corporation for the twelve months' period ended on the date of such balance sheet.

If within thirty days after the date on which such corporate action was effected the fair value

of such shares is agreed upon between any such dissenting shareholder and the corporation, payment therefor shall be made within ninety days after the date on which such corporate action was effected, upon surrender of the certificate or certificates representing such shares. Upon payment of the agreed value the dissenting shareholder shall cease to have any interest in such shares.

If within such period of thirty days a dissenting shareholder and the corporation do not so agree, then the corporation, within thirty days after receipt of written demand from any dissenting shareholder given within sixty days after the date on which such corporate action was effected, shall, or at its election at any time within such period of sixty days may, file a petition in any court of competent jurisdiction in the county in this state where the registered office of the corporation is located praying that the fair value of such shares be found and determined. If, in the case of a merger or consolidation, the surviving or new corporation is a foreign corporation without a registered office in this state, such petition shall be filed in the county where the registered office of the domestic corporation was last located. If the corporation shall fail to institute the proceeding as herein provided, any dissenting shareholder may do so in the name of the corporation. All dissenting shareholders, wherever residing, shall be made parties to the proceeding as an action against their shares quasi in rem. A copy of the petition shall be served on each dissenting shareholder who is a resident of this state and shall be served by registered or certified mail on each dissenting shareholder who is a non-resident. Service on nonresidents shall also be made by publication as provided by law. The jurisdiction of the court shall be plenary and exclusive. All shareholders who are parties to the proceeding shall be entitled to judgment against the corporation for

Business corporation act.
Assets, disposal of.
Rights of dissenting shareholders.

the amount of the fair value of their shares. The court may, if it so elects, appoint one or more persons as appraisers to receive evidence and recommend a decision on the question of fair value. The appraisers shall have such power and authority as shall be specified in the order of their appointment or an amendment thereof. The judgment shall be payable only upon and concurrently with the surrender to the corporation of the certificate or certificates representing such shares. Upon payment of the judgment, the dissenting shareholder shall cease to have any interest in such shares.

The judgment shall include an allowance for interest at such rate as the court may find to be fair and equitable in all the circumstances, from the date on which the vote was taken on the proposed corporate action to the date of payment.

The costs and expenses of any such proceeding shall be determined by the court and shall be assessed against the corporation, but all or any part of such costs and expenses may be apportioned and assessed as the court may deem equitable against any or all of the dissenting shareholders who are parties to the proceeding to whom the corporation shall have made an offer to pay for the shares if the court shall find that the action of such shareholders in failing to accept such offer was arbitrary or vexatious or not in good faith. Such expenses shall include reasonable compensation for and reasonable expenses of the appraisers, but shall exclude the fees and expenses of counsel for and experts employed by any party; but if the fair value of the shares as determined materially exceeds the amount which the corporation offered to pay therefor, or if no offer was made, the court in its discretion may award to any shareholder who is a party to the proceeding such sum as the court may determine to be reasonable compensation

to any expert or experts employed by the shareholder in the proceeding.

Within twenty days after demanding payment for his shares, each shareholder demanding payment shall submit the certificate or certificates representing his shares to the corporation for notation thereon that such demand has been made. His failure to do so shall, at the option of the corporation, terminate his rights under this section unless a court of competent jurisdiction, for good and sufficient cause shown, shall otherwise direct. If shares represented by a certificate on which notation has been so made shall be transferred, each new certificate issued therefor shall bear similar notation, together with the name of the original dissenting holder of such shares, and a transferee of such shares shall acquire by such transfer no rights in the corporation other than those which the original dissenting shareholder had after making demand for payment of the fair value thereof.

Shares acquired by a corporation pursuant to payment of the agreed value therefor or to payment of the judgment entered therefor, as in this section provided, may be held and disposed of by such corporation as in the case of other treasury shares, except that, in the case of a merger or consolidation, they may be held and disposed of as the plan of merger or consolidation may otherwise provide.

SEC. 84. A corporation which has not commenced business and which has not issued any shares, may be voluntarily dissolved by its incorporators at any time within two years after the date of the issuance of its certificate of incorporation, in the following manner:

Dissolution,
voluntary dis-
solution by
incorporators.

(1) Articles of dissolution shall be executed in triplicate by a majority of the incorporators, and verified by them, and shall set forth:

(a) The name of the corporation.

Business corporation act.
Dissolution.
Voluntary dissolution by incorporators.

(b) The date of issuance of its certificate of incorporation.

(c) That none of its shares has been issued.

(d) That the corporation has not commenced business.

(e) That the amount, if any, actually paid in on subscriptions for its shares, less any part thereof disbursed for necessary expenses, has been returned to those entitled thereto.

(f) That no debts of the corporation remain unpaid.

(g) That a majority of the incorporators elect that the corporation be dissolved.

(2) Triplicate originals of the articles of dissolution shall be delivered to the secretary of state. If the secretary of state finds that the articles of dissolution conform to law, he shall, when all fees have been paid as in this act prescribed:

(a) Endorse on each of such originals the word "Filed," and the month, day and year of the filing thereof.

(b) File one of such originals in his office.

(c) Issue a certificate of dissolution to which he shall affix one of such originals.

The certificate of dissolution, together with the duplicate original of the articles of dissolution affixed thereto by the secretary of state, and the other original, shall be returned to the incorporators or their representatives. Such remaining original shall then be filed in the office of the auditor of the county in which the registered office of the corporation is situated. Upon the issuance of such certificate of dissolution by the secretary of state, the existence of the corporation shall cease.

Voluntary dissolution by consent of shareholders.

SEC. 85. A corporation may be voluntarily dissolved by the written consent of all of its shareholders.

Upon the execution of such written consent, a

statement of intent to dissolve shall be executed in triplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

- (1) The name of the corporation.
- (2) The names and respective addresses of its officers.
- (3) The names and respective addresses of its directors.
- (4) A copy of the written consent signed by all shareholders of the corporation.
- (5) A statement that such written consent has been signed by all shareholders of the corporation or signed in their names by their attorneys thereunto duly authorized.

SEC. 86. A corporation may be dissolved by the act of the corporation, when authorized in the following manner:

Voluntary dissolution by act of corporation.

- (1) The board of directors shall adopt a resolution recommending that the corporation be dissolved, and directing that the question of such dissolution be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.
- (2) Written notice shall be given to each shareholder of record entitled to vote at such meeting within the time and in the manner provided in this act for the giving of notice of meetings of shareholders, and, whether the meeting be an annual or special meeting, shall state that the purpose, or one of the purposes, of such meeting is to consider the advisability of dissolving the corporation.
- (3) At such meeting a vote of shareholders entitled to vote thereat shall be taken on a resolution to dissolve the corporation. Such resolution shall be adopted upon receiving the affirmative vote of the holders of two-thirds of the shares of the corporation

Business corporation act. Dissolution. Voluntary dissolution by act of corporation.

entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event the resolution shall be adopted upon receiving the affirmative vote of the holders of two-thirds of the shares of each class of shares entitled to vote thereon as a class and of the total shares entitled to vote thereon.

(4) Upon the adoption of such resolution, a statement of intent to dissolve shall be executed in triplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

(a) The name of the corporation.

(b) The names and respective addresses of its officers.

(c) The names and respective addresses of its directors.

(d) A copy of the resolution adopted by the shareholders authorizing the dissolution of the corporation.

(e) The number of shares outstanding, and, if the shares of any class are entitled to vote as a class, the designation and number of outstanding shares of each such class.

(f) The number of shares voted for and against the resolution, respectively, and, if the shares of any class are entitled to vote as a class, the number of shares of each such class voted for and against the resolution, respectively.

Statement of intent to dissolve, filing of.

SEC. 87. Triplicate originals of the statement of intent to dissolve, whether by consent of shareholders or by act of the corporation, shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all fees have been paid as in this act prescribed:

(1) Endorse on each of such originals the word

“Filed,” and the month, day and year of the filing thereof.

(2) File one of such originals in his office.

(3) Return the other originals to the corporation or its representative. One of these originals shall be filed with the office of the auditor of the county in which the registered office of the corporation is situated, and the other original shall be retained by the corporation.

SEC. 88. Upon the filing by the secretary of state of a statement of intent to dissolve, whether by consent of shareholders or by act of the corporation, the corporation shall cease to carry on its business, except insofar as may be necessary for the winding up thereof, but its corporate existence shall continue until a certificate of dissolution has been issued by the secretary of state or until a decree dissolving the corporation has been entered by a court of competent jurisdiction as in this act provided.

Statement of
intent to dis-
solve, effect of.

SEC. 89. After the filing by the secretary of state of a statement of intent to dissolve:

Statement of
intent to dis-
solve, proce-
dure after
filing of.

(1) The corporation shall immediately cause notice thereof to be mailed to each known creditor of the corporation.

(2) The corporation shall proceed to collect its assets, convey and dispose of such of its properties as are not to be distributed in kind to its shareholders, pay, satisfy and discharge its liabilities and obligations and do all other acts required to liquidate its business and affairs, and, after paying or adequately providing for the payment of all its obligations, distribute the remainder of its assets, either in cash or in kind, among its shareholders according to their respective rights and interests.

(3) The corporation, at any time during the liquidation of its business and affairs, may make application to a court of competent jurisdiction within the

state and judicial subdivision in which the registered office or principal place of business of the corporation is situated, to have the liquidation continued under the supervision of the court as provided in this act.

Business corporation act.
Dissolution.
Revocation of voluntary dissolution proceedings by consent of stockholders.

SEC. 90. By the written consent of all of its shareholders, a corporation may, at any time prior to the issuance of a certificate of dissolution by the secretary of state, revoke voluntary dissolution proceedings theretofore taken, in the following manner:

Upon the execution of such written consent, a statement of revocation of voluntary dissolution proceedings shall be executed in triplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

(1) The name of the corporation.

(2) The names and respective addresses of its officers.

(3) The names and respective addresses of its directors.

(4) A copy of the written consent signed by all shareholders of the corporation revoking such voluntary dissolution proceedings.

(5) That such written consent has been signed by all shareholders of the corporation or signed in their names by their attorneys thereunto duly authorized.

Revocation of voluntary dissolution proceedings by act of corporation.

SEC. 91. By the act of the corporation, a corporation may, at any time prior to the issuance of a certificate of dissolution by the secretary of state, revoke voluntary dissolution proceedings theretofore taken, in the following manner:

(1) The board of directors shall adopt a resolution recommending that the voluntary dissolution proceedings be revoked, and directing that the ques-

tion of such revocation be submitted to a vote at a special meeting of shareholders.

(2) Written notice, stating that the purpose or one of the purposes of such meeting is to consider the advisability of revoking the voluntary dissolution proceedings, shall be given to each shareholder of record entitled to vote at such meeting within the time and in the manner provided in this act for the giving of notice of special meetings of shareholders.

(3) At such meeting a vote of the shareholders entitled to vote thereat shall be taken on a resolution to revoke the voluntary dissolution proceedings, which shall require for its adoption the affirmative vote of the holders of two-thirds of the shares entitled to vote thereon.

(4) Upon the adoption of such resolution, a statement of revocation of voluntary dissolution proceedings shall be executed in triplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

(a) The name of the corporation.

(b) The names and respective addresses of its officers.

(c) The names and respective addresses of its directors.

(d) A copy of the resolution adopted by the shareholders revoking the voluntary dissolution proceedings.

(e) The number of shares outstanding.

(f) The number of shares voted for and against the resolution, respectively.

SEC. 92. Triplicate originals of the statement of revocation of voluntary dissolution proceedings, whether by consent of shareholders or by act of the corporation, shall be delivered to the secretary of

Statement of
revocation of
voluntary
dissolution
proceedings.
filing of.

Business corporation act.
Statement of revocation of voluntary dissolution proceedings.
Filing of.

state. If the secretary of state finds that such statement conforms to law, he shall, when all fees have been paid as in this act prescribed:

(1) Endorse on each of such originals the word "Filed," and the month, day and year of the filing thereof.

(2) File one of such originals in his office.

(3) Return the other originals to the corporation or its representative. One of these originals shall be filed in the office of the auditor of the county in which the registered office of the corporation is situated, and the other original shall be retained by the corporation.

Effect of.

SEC. 93. Upon the filing by the secretary of state of a statement of revocation of voluntary dissolution proceedings, whether by consent of shareholders or by act of the corporation, the revocation of the voluntary dissolution proceedings shall become effective and the corporation may again carry on its business.

Articles of dissolution.

SEC. 94. If voluntary dissolution proceedings have not been revoked, then when all debts, liabilities and obligations of the corporation have been paid and discharged, or adequate provision has been made therefor, and all of the remaining property and assets of the corporation have been distributed to its shareholders, articles of dissolution shall be executed in triplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

(1) The name of the corporation.

(2) That the secretary of state has theretofore filed a statement of intent to dissolve the corporation, and the date on which such statement was filed.

(3) That all debts, obligations and liabilities of the corporation have been paid and discharged or that adequate provision has been made therefor.

(4) That all the remaining property and assets of the corporation have been distributed among its shareholders in accordance with their respective rights and interests.

(5) That there are no suits pending against the corporation in any court, or that adequate provision has been made for the satisfaction of any judgment, order or decree which may be entered against it in any pending suit.

SEC. 95. Triplicate originals of such articles of dissolution shall be delivered to the secretary of state. If the secretary of state finds that such articles of dissolution conform to law, he shall, when all fees have been paid as in this act prescribed:

Articles of
dissolution,
filing of.

(1) Endorse on each of such originals the word "Filed," and the month, day and year of the filing thereof.

(2) File one of such originals in his office.

(3) Issue a certificate of dissolution to which he shall affix one of such originals.

The certificate of dissolution, together with the original of the articles of dissolution affixed thereto by the secretary of state, and the remaining original shall be returned to the representative of the dissolved corporation. The remaining original shall be filed in the office of the auditor of the county in which the registered office of the corporation is situated. The original affixed to the certificate of dissolution shall be retained by the corporation. Upon the issuance of such certificate the existence of the corporation shall cease, except for the purpose of suits, other proceedings and appropriate corporate action by shareholders, directors and officers as provided in this act.

SEC. 96. A corporation may be dissolved involuntarily by a decree of the superior court in an action

Involuntary
dissolution.

Business corporation act.
Involuntary dissolution.

filed by the attorney general when it is established that:

(1) The corporation has failed to pay its annual license fee when the same becomes due and payable; or

(2) The corporation procured its articles of incorporation through fraud; or

(3) The corporation has continued to exceed or abuse the authority conferred upon it by law; or

(4) The corporation has failed for thirty days to appoint and maintain a registered agent in this state; or

(5) The corporation has failed for thirty days after change of its registered office or registered agent to file in the office of the secretary of state a statement of such change.

—Notification to attorney general.

SEC. 97. The secretary of state, on or before the first day of September of each year, shall certify to the attorney general the names of all corporations which have failed to pay their annual license fees in accordance with the provisions of this act, together with the facts pertinent thereto. He shall also certify, from time to time, the names of all corporations which have given other cause for dissolution as provided in this act, together with the facts pertinent thereto. Whenever the secretary of state shall certify the name of a corporation to the attorney general as having given any cause for dissolution, the secretary of state shall 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 within two years from the due date of such annual license fee shall file an action in the name of the state against such corporation for its dissolution or the collection of said annual license fee shall be barred. Every such certificate from the secretary of state to the attorney general pertaining

to the failure of a corporation to pay an annual license fee shall be taken and received in all courts as prima facie evidence of the facts therein stated. If, before action is filed, the corporation shall pay its annual license fee together with all penalties thereon, or shall appoint or maintain a registered agent as provided in this act, or shall file with the secretary of state the required statement of change of registered office or 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. If, after action is filed, the corporation shall pay its annual license fee together with all penalties thereon, or shall appoint or maintain a registered agent as provided in this act, or shall file with the secretary of state the required statement of change of registered office or registered agent, and shall pay the costs of such action, the action for such cause shall abate.

SEC. 98. Every action for the involuntary dissolution of a corporation shall be commenced by the attorney general in the superior court of the county in which the registered office of the corporation is situated. Summons shall issue and be served as in other civil actions. If process is returned not found, the attorney general shall cause publication to be made as in other civil cases in some newspaper published in the county where the registered office of the corporation is situated, containing a notice of the pendency of such action, the title of the court, the title of the action, and the date on or after which default may be entered. The attorney general may include in one notice the names of any number of corporations against which actions are then pending in the same court. The attorney general shall cause a copy of such notice to be mailed to the corporation at its registered office within ten days after the first publication thereof. The certificate of the attorney general

—Venue and process.

Business corporation act.
Involuntary dissolution.
Venue and process.

of the mailing of such notice shall be prima facie evidence thereof. Such notice shall be published at least once each week for two successive weeks, and the first publication thereof may begin at any time after the summons has been returned. Unless a corporation shall have been served with summons, no default shall be taken against it earlier than thirty days after the first publication of such notice.

Bankruptcy rules shall apply to dissolution.

SEC. 99. In a proceeding for dissolution subject to the supervision of the court, all questions in respect to proof, allowance, payment and priority of claims shall be governed by the same rules as are applicable in bankruptcy proceedings under the national bankruptcy act as in force at the time of the dissolution proceedings.

Jurisdiction of court to liquidate assets and business of corporation.

SEC. 100. The superior courts shall have full power to liquidate the assets and business of a corporation:

(1) In an action by a shareholder when it is established:

(a) That the directors are deadlocked in the management of the corporate affairs and the shareholders are unable to break the deadlock, and that irreparable injury to the corporation is being suffered or is threatened by reason thereof; or

(b) That the acts of the directors or those in control of the corporation are illegal, oppressive or fraudulent; or

(c) That the shareholders are deadlocked in voting power, and have failed, for a period which includes at least two consecutive annual meeting dates, to elect successors to directors whose terms have expired or would have expired upon the election of their successors; or

(d) That the corporate assets are being misapplied or wasted.

(2) In an action by a creditor:

(a) When the claim of the creditor has been reduced to judgment and an execution thereon returned unsatisfied and it is established that the corporation is insolvent; or

(b) When the corporation has admitted in writing that the claim of the creditor is due and owing and it is established that the corporation is insolvent.

(3) Upon application by a corporation which has filed a statement of intent to dissolve, as provided in this act, to have its liquidation continued under the supervision of the court.

(4) When an action has been filed by the attorney general to dissolve a corporation and it is established that liquidation of its business and affairs should precede the entry of a decree of dissolution.

Proceedings under clause (1), (2) or (3) of this section shall be brought in the county in which the registered office or the principal office of the corporation is situated.

It shall not be necessary to make shareholders parties to any such action or proceeding unless relief is sought against them personally.

SEC. 101. In proceedings to liquidate the assets and business of a corporation the court shall have power to issue injunctions, to appoint a receiver or receivers *pendente lite*, with such powers and duties as the court, from time to time, may direct, and to take such other proceedings as may be requisite to preserve the corporate assets wherever situated, and carry on the business of the corporation until a full hearing can be had.

Procedure in
liquidation of
corporation
by court.

After a hearing had upon such notice as the court may direct to be given to all parties to the proceedings and to any other parties in interest designated by the court, the court may appoint a liquidating receiver or receivers with authority to collect the assets of the corporation, including all amounts owing to

Business corporation act.
Procedure in liquidation of corporation by court.

the corporation by shareholders on account of any unpaid portion of the consideration for the issuance of shares. Such liquidating receiver or receivers shall have authority, subject to the order of the court, to sell, convey and dispose of all or any part of the assets of the corporation wherever situated, either at public or private sale. The assets of the corporation or the proceeds resulting from a sale, conveyance or other disposition thereof shall be applied to the expenses of such liquidation and to the payment of the liabilities and obligations of the corporation, and any remaining assets or proceeds shall be distributed among its shareholders according to their respective rights and interests. The order appointing such liquidating receiver or receivers shall state their powers and duties. Such powers and duties may be increased or diminished at any time during the proceedings.

The court shall have power to allow from time to time as expenses of the liquidation compensation to the receiver or receivers and to attorneys in the proceeding, and to direct the payment thereof out of the assets of the corporation or the proceeds of any sale or disposition of such assets.

A receiver of a corporation appointed under the provisions of this section shall have authority to sue and defend in all courts in his own name as receiver of such corporation. The court appointing such receiver shall have exclusive jurisdiction of the corporation and its property, wherever situated.

Qualifications of receivers.

SEC. 102. A receiver shall in all cases be a citizen of the United States or a corporation authorized to act as receiver, which corporation may be a domestic corporation or a foreign corporation authorized to transact business in this state, and shall in all cases give such bond as the court may direct with such sureties as the court may require.

SEC. 103. In proceedings to liquidate the assets and business of a corporation the court may require all creditors of the corporation to file with the clerk of the court or with the receiver, in such form as the court may prescribe, proofs under oath of their respective claims. If the court requires the filing of claims it shall fix a date, which shall be not less than four months from the date of the order, as the last day for the filing of claims, and shall prescribe the notice that shall be given to creditors and claimants of the date so fixed. Prior to the date so fixed, the court may extend the time for the filing of claims. Creditors and claimants failing to file proofs of claim on or before the date so fixed may be barred, by order of court, from participating in the distribution of the assets of the corporation.

Filing of claims in liquidation proceedings.

SEC. 104. The liquidation of the assets and business of a corporation may be discontinued at any time during the liquidation proceedings when it is established that cause for liquidation no longer exists. In such event the court shall dismiss the proceedings and direct the receiver to redeliver to the corporation all its remaining property and assets.

Discontinuance of liquidation proceedings.

SEC. 105. In proceedings to liquidate the assets and business of a corporation, when the costs and expenses of such proceedings and all debts, obligations and liabilities of the corporation shall have been paid and discharged and all of its remaining property and assets distributed to its shareholders or in case its property and assets are not sufficient to satisfy and discharge such costs, expenses, debts and obligations, all the property and assets have been applied so far as they will go to their payment, the court shall enter a decree dissolving the corporation, whereupon the existence of the corporation shall cease.

Decree of involuntary dissolution.

Business corporation act.
Dissolution.
Filing of
decree of.

SEC. 106. In case the court shall enter a decree dissolving a corporation, it shall be the duty of the clerk of such court to cause a certified copy of the decree to be filed with the secretary of state. No fee shall be charged by the secretary of state for the filing thereof.

Deposit with
state treasurer
amount due
certain share-
holders.

SEC. 107. Upon the voluntary or involuntary dissolution of a corporation, the portion of the assets distributable to a creditor or shareholder who is unknown or cannot be found, or who is under disability and there is no person legally competent to receive such distributive portion, shall be reduced to cash and deposited with the state treasurer and shall be paid over to such creditor or shareholder or to his legal representative upon proof satisfactory to the state treasurer of his right thereto. Said assets shall be handled and disbursed as provided in chapter 63-.28 RCW.

Survival of
remedy after
dissolution.

SEC. 108. The dissolution of a corporation either (1) by the issuance of a certificate of dissolution by the secretary of state, or (2) by a decree of court when the court has not liquidated the assets and business of the corporation as provided in this act, or (3) by expiration of its period of duration, shall not take away or impair any remedy available to or against such corporation, its directors, officers, or shareholders, for any right or claim existing, or any liability incurred, prior to such dissolution of action or other proceeding thereon is commenced within two years after the date of such dissolution. Any such action or proceeding by or against the corporation may be prosecuted or defended by the corporation in its corporate name. The shareholders, directors and officers shall have power to take such corporate or other action as shall be appropriate to protect such remedy, right or claim. If such corporation was dissolved by the expiration of its period of duration,

such corporation may amend its articles of incorporation at any time during such period of two years so as to extend its period of duration.

SEC. 109. No foreign corporation shall have the right to transact business in this state until it shall have procured a certificate of authority so to do from the secretary of state. No foreign corporation shall be entitled to procure a certificate of authority under this act to transact in this state any business which a corporation organized under this act is not permitted to transact. A foreign corporation shall not be denied a certificate of authority by reason of the fact that the laws of the state or country under which such corporation is organized governing its organization and internal affairs differ from the laws of this state, and nothing in this act contained shall be construed to authorize this state to regulate the organization or the internal affairs of such corporation.

Foreign
corporations.
Admission of.

Without excluding other activities which may not constitute transacting business in this state, a foreign corporation shall not be considered to be transacting business in this state, for the purposes of this act, by reason of carrying on in this state any one or more of the following activities:

(1) Maintaining or defending any action or suit or any administrative or arbitration proceeding, or effecting the settlement thereof or the settlement of claims or disputes.

(2) Holding meetings of its directors or shareholders or carrying on other activities concerning its internal affairs.

(3) Maintaining bank accounts.

(4) Maintaining offices or agencies for the transfer, exchange and registration of its securities, or appointing and maintaining trustees or depositaries with relation to its securities.

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Admission of.

(5) Effecting sales through independent contractors.

(6) Soliciting or procuring orders, whether by mail or through employees or agents or otherwise, where such orders require acceptance without this state before becoming binding contracts.

(7) Creating evidences of debt, mortgages or liens on real or personal property.

(8) Securing or collecting debts or enforcing any rights in property securing the same.

(9) Transacting any business in interstate commerce.

(10) Conducting an isolated transaction completed within a period of thirty days and not in the course of a number of repeated transactions of like nature.

Powers of foreign corporation.

SEC. 110. A foreign corporation which shall have received a certificate of authority under this act shall, until a certificate of revocation or of withdrawal shall have been issued as provided in this act, enjoy the same, but no greater, rights and privileges as a domestic corporation organized for the purposes set forth in the application pursuant to which such certificate of authority is issued; and, except as in this act otherwise provided, shall be subject to the same duties, restrictions, penalties and liabilities now or hereafter imposed upon a domestic corporation of like character.

Corporate name of foreign corporation.

SEC. 111. No certificate of authority shall be issued to a foreign corporation unless the corporate name of such corporation:

(1) Shall contain the word "corporation," "company," "incorporated," or "limited," or shall contain an abbreviation of one of such words, or such corporation shall, for use in this state, add at the end of its name one of such words or an abbreviation thereof.

(2) 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 or that it is authorized or empowered to conduct the business of banking or insurance.

(3) Shall not be the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this state or any foreign corporation authorized to transact business in this state, or a name the exclusive right to which is, at the time, reserved in the manner provided in this act, or the name of a corporation which has in effect a registration of its name as provided in this act.

SEC. 112. Whenever a foreign corporation which is authorized to transact business in this state shall change its name to one under which a certificate of authority would not be granted to it on application therefor, the certificate of authority of such corporation shall be suspended and it shall not thereafter transact any business in this state until it has changed its name to a name which is available to it under the laws of this state.

Change of
name by
foreign
corporation.

SEC. 113. A foreign corporation, in order to procure a certificate of authority to transact business in this state, shall make application therefor to the secretary of state, which application shall set forth:

Application
for certificate
of authority.

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) If the name of the corporation does not contain the word "corporation," "company," "incorporated," or "limited," or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it elects to add thereto for use in this state.

(3) The date of incorporation and the period of duration of the corporation.

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Application for certificate of authority.

(4) The address of the principal office of the corporation in the state or country under the laws of which it is incorporated.

(5) The purpose or purposes of the corporation which it proposes to pursue in the transaction of business in this state.

(6) The names and respective addresses of the directors and officers of the corporation.

(7) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any, within a class.

(8) A statement of the aggregate number of issued shares itemized by classes, par value of shares, shares without par value, and series, if any, within a class.

(9) A statement, expressed in dollars, of the amount of stated capital of the corporation, as defined in this act.

(10) An estimate, expressed in dollars, of the value of all property to be owned by the corporation for the following year, wherever located, and an estimate of the value of the property of the corporation to be located within this state during such year, and an estimate, expressed in dollars, of the gross amount of business which will be transacted by the corporation during such year, and an estimate of the gross amount thereof which will be transacted by the corporation at or from places of business in this state during such year.

(11) Such additional information as may be necessary or appropriate in order to enable the secretary of state to determine whether such corporation is entitled to a certificate of authority to transact business in this state and to determine and assess the fees payable as in this act prescribed.

Such application shall be made on forms prescribed and furnished by the secretary of state

and shall be executed in duplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such application.

Such application shall be accompanied by a certified copy of the foreign corporation's charter, articles of incorporation, memorandum of association, or certificate of incorporation, and a certified copy of each and all of the amendments or supplements to such charter, articles, memorandum or certificate and a certified copy of each of its certificates of increase or decrease of its authorized shares, each of said instruments to be certified to by the officer who is the custodian of the same according to the laws of such foreign governmental authority.

If under the laws of the place where the corporation is incorporated, restated, consolidated or composite articles of incorporation have the same effect as the original articles of incorporation and all amendments and supplements thereto, then a foreign corporation may, in lieu thereof, file restated, consolidated or composite articles of incorporation duly authenticated by the officer who is the custodian of the same according to the laws of the place of its incorporation or the officer who is authorized to issue the restated, consolidated or composite articles of incorporation.

SEC. 114. 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 its articles of incorporation and all amendments thereto, duly authenticated by the proper officer of the state or country under the laws of which it is incorporated.

Certificate of authority, filing of application for.

If the secretary of state finds that such application conforms to law, he shall, when all fees have been paid as in this act prescribed:

Business corporation act. Foreign corporations. Certificate of authority, filing of application for.

(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.

Certificate of authority, effect of.

SEC. 115. Upon the issuance of a certificate of authority by the secretary of state, the corporation shall be authorized to transact business in this state for those purposes set forth in its application, subject, however, to the right of this state to suspend or to revoke such authority as provided in this act.

Registered office and registered agent of foreign corporation.

SEC. 116. Each foreign corporation authorized to transact business in this state shall have and continuously maintain in this state:

(1) A registered office which may be, but need not be, the same as its place of business in this state.

(2) A registered agent, which agent may be either an individual resident in this state whose business office is identical with such registered office, or a domestic corporation, or a foreign corporation authorized to transact business in this state, having a business office identical with such registered office. The corporation appointing such resident agent shall file a certificate of such appointment with the appointee's name and business address contained therein in the office of the secretary of state.

—Change of.

SEC. 117. A foreign corporation authorized to transact business in this state may change its registered office or change its registered agent, or both,

upon filing in the office of the secretary of state a certificate setting forth:

- (1) The name of the corporation.
- (2) The address of its then registered office.
- (3) If the address of its registered office be changed, the address to which the registered office is to be changed.
- (4) The name of its then registered agent.
- (5) If its registered agent be changed, the name of its successor registered agent.
- (6) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.
- (7) That such change was authorized by resolution duly adopted by its board of directors.

Such statement shall be executed by the corporation by its president or a vice-president, and verified by him, and delivered to the secretary of state. If the secretary of state finds that such statement conforms to the provisions of this act, he shall file such statement in his office, and upon such filing the change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective.

Any registered agent of a foreign corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the secretary of state, who shall forthwith mail a copy thereof to the corporation at its principal office in the state or country under the laws of which it is incorporated. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

SEC. 118. The registered agent so appointed by a foreign corporation authorized to transact business in this state shall be an agent of such corporation upon whom any process, notice or demand required

Service of
process on
foreign
corporation.

Business corporation act. Foreign corporations. Service of process on.

or permitted by law to be served upon the corporation may be served.

Whenever a foreign corporation authorized to transact business in this state shall fail to appoint or maintain a registered agent in this state, or whenever any such registered agent cannot with reasonable diligence be found at the registered office, or whenever the certificate of authority of a foreign corporation shall be suspended or revoked, then the secretary of state shall be an agent of such corporation upon whom any such process, notice, or demand may be served. Service on the secretary of state of any such process, notice, or demand shall be made by delivering to and leaving with him, or with any clerk having charge of the corporation department of his office, duplicate copies of such process, notice or demand. In the event any such process, notice or demand is served on the secretary of state, he shall immediately cause one of such copies thereof to be forwarded by registered mail, addressed to the corporation at its principal office in the state or country under the laws of which it is incorporated. Any service so had on the secretary of state shall be returnable in not less than thirty days.

The secretary of state shall keep a record of all processes, notices and demands served upon him under this section, and shall record therein the time of such service and his action with reference thereto.

Nothing herein contained shall limit or affect the right to serve any process, notice or demand, required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law.

Articles of incorporation of foreign corporation, amendment of.

SEC. 119. Whenever the articles of incorporation of a foreign corporation authorized to transact business in this state are amended, such foreign corporation shall, within thirty days after such amendment becomes effective, file in the office of the secretary

of state a copy of such amendment duly authenticated by the proper officer of the state or country under the laws of which it is incorporated; but the filing thereof shall not of itself enlarge or alter the purpose or purposes which such corporation is authorized to pursue in the transaction of business in this state, nor authorize such corporation to transact business in this state under any other name than the name set forth in its certificate of authority.

SEC. 120. Whenever a foreign corporation authorized to transact business in this state shall be a party to a statutory merger permitted by the laws of the state or country under the laws of which it is incorporated, and such corporation shall be the surviving corporation, it shall, within thirty days after such merger becomes effective, file with the secretary of state a copy of the articles of merger duly authenticated by the proper officer of the state or country under the laws of which such statutory merger was effected; and it shall not be necessary for such corporation to procure either a new or amended certificate of authority to transact business in this state unless the name of such corporation be changed thereby or unless the corporation desires to pursue in this state other or additional purposes than those which it is then authorized to transact in this state.

Merger of foreign corporation authorized to transact business in this state.

SEC. 121. A foreign corporation authorized to transact business in this state shall procure an amended certificate of authority in the event it changes its corporate name, or desires to pursue in this state other or additional purposes than those set forth in its prior application for a certificate of authority, by making application therefor to the secretary of state.

Amended certificate of authority.

The requirements in respect to the form and contents of such application, the manner of its execution, the filing of duplicate originals thereof with

the secretary of state, the issuance of an amended certificate of authority and the effect thereof, shall be the same as in the case of an original application for a certificate of authority.

Business cor-
poration act.
Foreign
corporations.
Withdrawal of.

SEC. 122. A foreign corporation authorized to transact business in this state may withdraw from this state upon procuring from the secretary of state a certificate of withdrawal. In order to procure such certificate of withdrawal, such foreign corporation shall deliver to the secretary of state an application for withdrawal, which shall set forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) That the corporation is not transacting business in this state.

(3) That the corporation surrenders its authority to transact business in this state.

(4) That the corporation revokes the authority of its registered agent in this state to accept service of process and consents that service of process in any action, suit or proceeding based upon any cause of action arising in this state during the time the corporation was authorized to transact business in this state may thereafter be made on such corporation by service thereof on the secretary of state.

(5) A post office address to which the secretary of state may mail a copy of any process against the corporation that may be served on him.

The application for withdrawal shall be made on forms prescribed and furnished by the secretary of state and shall be executed by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing the application, or, if the corporation is in the hands of a receiver or trustee, shall be executed on behalf of the corporation by such receiver or trustee and verified by him.

SEC. 123. Duplicate originals of such application for withdrawal shall be delivered to the secretary of state. If the secretary of state finds that such application conforms to the provisions of this act, he shall, when all fees have been paid as in this act prescribed:

Filing an application for withdrawal.

(1) Endorse on each of such duplicate originals the word "Filed," and the month, day and year of the filing thereof.

(2) File one of such duplicate originals in his office.

(3) Issue a certificate of withdrawal to which he shall affix the other duplicate original.

The certificate of withdrawal, together with the duplicate original of the application for withdrawal affixed thereto by the secretary of state, shall be returned to the corporation or its representative. Upon the issuance of such certificate of withdrawal, the authority of the corporation to transact business in this state shall cease.

SEC. 124. (1) The certificate of authority of a foreign corporation to transact business in this state may be revoked by the secretary of state upon the conditions prescribed in this section when:

Certificate of authority, revocation of.

(a) The corporation has failed to pay any fees, or penalties prescribed by this act when they have become due and payable; or

(b) The corporation has failed to appoint and maintain a registered agent in this state as required by this act; or

(c) The corporation has failed, after change of its registered office or registered agent, to file in the office of the secretary of state a statement of such change as required by this act; or

(d) The corporation has failed to file in the office of the secretary of state any amendment to its articles of incorporation or any articles of merger within the time prescribed by this act; or

Business corporation act. Foreign corporations. Certificate of authority, revocation of.

(e) A misrepresentation has been made of any material matter in any application, report, affidavit or other document submitted by such corporation pursuant to this act.

(2) No certificate of authority of a foreign corporation shall be revoked by the secretary of state unless (a) he shall have given the corporation not less than sixty days notice thereof by mail addressed to its registered office in this state, and (b) the corporation shall fail prior to revocation to pay such fees or penalties, or file the required statement of change of registered agent or registered office, or file such articles of amendment or articles of merger, or correct such misrepresentation.

Certificate of revocation, issuance of.

SEC. 125. Upon revoking any such certificate of authority, the secretary of state shall:

- (1) Issue a certificate of revocation in duplicate;
- (2) File one of such certificates in his office;
- (3) Mail to such corporation at its registered office in this state a notice of such revocation accompanied by one of such certificates.

Upon the issuance of such certificate of revocation, the authority of the corporation to transact business in this state shall cease.

Application to foreign corporations heretofore authorized to transact business in this state.

SEC. 126. Foreign corporations which are duly authorized to transact business in this state at the time this act takes effect, for a purpose or purposes for which a corporation might secure such authority under this act, shall, subject to the limitations set forth in their respective certificates of authority, be entitled to all the rights and privileges applicable to foreign corporations procuring certificates of authority to transact business in this state under this act, and from the time this act takes effect such corporations shall be subject to all the limitations, restrictions, liabilities, and duties prescribed herein for foreign corporations procuring certificates of

authority to transact business in this state under this act.

SEC. 127. No foreign corporation transacting business in this state without a certificate of authority shall be permitted to maintain any action, suit or proceeding in any court of this state, until such corporation shall have obtained a certificate of authority. Nor shall any action, suit or proceeding be maintained in any court of this state by any successor or assignee of such corporation on any right, claim or demand arising out of the transaction of business by such corporation in this state, until a certificate of authority shall have been obtained by such corporation or by a corporation which has acquired all or substantially all of its assets.

Transacting business without certificate of authority.

The failure of a foreign corporation to obtain a certificate of authority to transact business in this state shall not impair the validity of any contract or act of such corporation, and shall not prevent such corporation from defending any action, suit or proceeding in any court of this state.

A foreign corporation which transacts business in this state without a certificate of authority shall be liable to this state, for the years or parts thereof during which it transacted business in this state without a certificate of authority, in an amount equal to all fees which would have been imposed by this act upon such corporation had it duly applied for and received a certificate of authority to transact business in this state as required by this act and thereafter filed all reports required by this act, plus all penalties imposed by this act for failure to pay such fees. The attorney general shall bring proceedings to recover all amounts due this state under the provisions of this section.

SEC. 128. Any corporation, bank, trust company, mutual savings bank, savings and loan association, national banking association, or other corporation

Nonadmitted organizations.

Business corporation act. Nonadmitted organizations. May own and enforce notes secured by real estate mortgages.

or association organized and existing under the laws of the United States or under the laws of any state or territory of the United States other than the state of Washington (including, without restriction of the generality of the foregoing description, employee pension fund organizations, charitable foundations, trust funds, or other funds, foundations or trusts engaged in the investment of moneys, and trustees of such organizations, foundations, funds or trusts), and which are not admitted to conduct business in the state of Washington under the provisions of this act, and which are not otherwise specifically authorized to transact business in this state (herein collectively referred to as "nonadmitted organizations") may purchase, acquire, hold, sell, assign, transfer and enforce notes secured by real estate mortgages covering real property situated in this state and the security interests thereby provided, and may make commitments to purchase or acquire such notes so secured.

Nonadmitted organizations may foreclose mortgages.

SEC. 129. Such nonadmitted organizations shall have the right to foreclose such mortgages under the laws of this state or to receive voluntary conveyance in lieu of foreclosure, and in the course of such foreclosure or of such receipt of conveyance in lieu of foreclosure, to acquire the mortgaged property, and to hold and own such property and to dispose thereof. Such nonadmitted organizations however, shall not be allowed to hold, own and operate said property for a period exceeding five years. In the event said nonadmitted organizations do hold, own and operate said property for a period in excess of five years, it shall be forthwith required to appoint an agent as required by section 116 of this act for foreign corporations doing business in this state.

—Not carrying on business.

SEC. 130. The activities authorized by sections 128 and 129 of this act, by such nonadmitted organi-

zations shall not constitute "conducting business," "carrying on business," "transacting business," or "doing business" within the meaning of sections 109 through 127 of this act.

SEC. 131. In any action in law or equity commenced by the obligor or obligors, it, his, her or their assignee or assignees against the said nonadmitted organizations on the said notes secured by said real estate mortgages purchased by said nonadmitted organizations, service of all legal process may be had by serving the secretary of state of the state of Washington.

Service of
process.

SEC. 132. Duplicate copies of legal process against said nonadmitted organizations shall be served upon the secretary of state by registered mail. At the time of service the plaintiff shall pay to the secretary of state two dollars taxable as costs in the action and shall also furnish the secretary of state the home office address of said nonadmitted organization. The secretary of state shall forthwith send one of the copies of process by registered mail with return receipt requested to the said nonadmitted organization to its home office. The secretary of state shall keep a record of the day and the hour of service upon him of all legal process. No proceedings shall be had against the nonadmitted organization nor shall it be required to appear, plead or answer until the expiration of forty days after the date of service upon the secretary of state.

Service of
process, pro-
cedure for.

SEC. 133. Suit upon causes of action arising against the said nonadmitted organizations shall be brought in the county where the property is situated which is the subject of the mortgage purchased by the said nonadmitted organizations. If the property covered by the said mortgage is situated in more than one county, venue may be had in any of said counties where the property lies.

Venue.

Business corporation act.
Fees, charges.
Secretary of State to act.

SEC. 134. The secretary of state shall charge and collect in accordance with the provisions of this act:

- (1) Fees for filing documents and issuing certificates;
- (2) Miscellaneous charges;
- (3) License fees.

Fees for filing documents and issuing certificates.

SEC. 135. The secretary of state shall charge and collect for:

- (1) Filing articles of amendment and issuing a certificate of amendment, ten dollars;
- (2) Filing restated articles of incorporation, ten dollars;
- (3) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, fifteen dollars;
- (4) Filing an application to reserve a corporate name, ten dollars;
- (5) Filing a notice of transfer of a reserved corporate name, five dollars;
- (6) Filing a statement of change of address of registered office or change of registered agent, or both, one dollar;
- (7) Filing a statement of the establishment of a series of shares, ten dollars;
- (8) Filing a statement of cancellation of shares, ten dollars;
- (9) Filing a statement of reduction of stated capital, ten dollars;
- (10) Filing a statement of intent to dissolve, five dollars;
- (11) Filing a statement of revocation of voluntary dissolution proceedings, five dollars;
- (12) Filing articles of dissolution, five dollars;
- (13) Filing a certificate by a foreign corporation of the appointment of an agent residing in this state, or a certificate of the revocation of the appointment of such resident agent, ten dollars;
- (14) Filing an application of a foreign corpora-

tion for a certificate of authority to transact business in this state and issuing a certificate of authority, five dollars;

(15) Filing an application of a foreign corporation for an amended certificate of authority to transact business in this state and issuing an amended certificate of authority, five dollars;

(16) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to transact business in this state, ten dollars;

(17) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in this state, ten dollars;

(18) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, five dollars;

(19) Filing any other statement or report, five dollars;

(20) Such other filings as are provided for by this act.

SEC. 136. The secretary of state shall charge and collect in advance from every domestic and foreign corporation, except corporations organized under the laws of this state for which existing law provides a different fee schedule:

Miscellaneous charges.

(1) For furnishing a certified copy of any document, instrument or paper relating to a corporation, five dollars plus a further charge of twenty-five cents per page for each page in excess of ten pages;

(2) At the time of any service of process on him as agent of a corporation, two dollars, which amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

SEC. 137. Every domestic corporation, except one for which existing law provides a different fee sched-

Fees—Domestics.

Business corporation act.
 Fees, charges—
 Domestics—
 Fees for filing articles, documents increasing capital stocks—
 Auditor's fees.

ule, shall pay for filing of its articles of incorporation a fee of fifty dollars for the first fifty thousand dollars or less, of its authorized capital stock; and one-tenth of one percent additional on all amounts in excess of fifty thousand dollars and not exceeding one million dollars; one twenty-fifth of one percent additional on all amounts in excess of one million dollars, and not exceeding four million dollars; and one-fiftieth of one percent additional on all amounts in excess of four million dollars; but in no case shall the amount exceed five thousand dollars.

Every domestic corporation, except one for which existing law provides a different fee schedule, desiring to file in the office of the secretary of state, articles amendatory or supplemental articles increasing its capital stock, or certificates of increase of capital stock, shall pay to the secretary of state the fees hereinabove in this section provided, in proportion to such increased capital stock upon the actual amount of such increase, and every such corporation desiring to file other amendatory or supplemental articles shall pay to the secretary of state a fee of ten dollars.

For filing the articles of incorporation the county auditor shall charge the sum of two dollars. For filing any other paper required to be filed by this act the county auditor shall charge the sum of one dollar.

Statement of value of nonpar stock—
 Revaluation—
 Appeal.

SEC. 138. In the case of any corporation whose stock is wholly or partly without par value, there shall be filed with the articles of incorporation the affidavit of one of the incorporators, or other representative of the corporation, stating that, to the best of his knowledge and belief, the value of the assets received and to be received by such corporation in return for the issuance of its nonpar value stock does not exceed a certain sum therein named, and the sum so named in such affidavit shall be assumed prima facie as the amount of capitaliza-

tion represented by such nonpar value stock for the purpose of fixing the filing fees and annual license fees to be paid by such corporation under the laws of this state: *Provided*, That at any time within two years after the filing of such articles of incorporation, the secretary of state may investigate and make a finding as to the value of such assets, and if the value of the assets received in consideration of the issuance of such nonpar value stock is found by him to exceed the amount stated in such affidavit, such corporation shall pay to the secretary of state the additional filing and license fees payable under the laws of this state, based on the excess of the true valuation, as so found, over the value stated in such affidavit, together with interest on such additional sum at the rate of eight percent per annum from the date when the same became due, such payment to be made within sixty days after notice mailed by the secretary of state addressed to such corporation at its last known address. Such finding of the secretary of state shall be subject to review on such evidence as the parties may submit to the court, if an action for such review be begun by such corporation in the superior court of Thurston county within the sixty days. If such action be begun, such corporation shall be allowed sixty days, after judgment of the court finally adjudging the matter, in which to pay any additional fees that may be payable.

The sum named in any such affidavit may be increased or reduced by the filing of an amended affidavit and the payment of a filing fee for such increase or reduction as is required for an increase or reduction of authorized shares for domestic corporations.

SEC. 139. Every corporation organized under the laws of this state, except the corporations for which existing law provides a different fee schedule, shall make and file an affidavit as to the amount of its

Annual license
fee, domestic
corporation.

Business corporation act.
Fees, charges.
Annual license fee, domestic corporation.

authorized capital stock, and shall pay, on or before the first day of July of each and every year, to the secretary of state, and it shall be the duty of the secretary of state to collect, for the use of the state, an annual license fee of thirty dollars for the first fifty thousand dollars or less of its authorized capital stock; and one-twentieth of one percent additional on all amounts in excess of fifty thousand dollars, and not exceeding one million dollars; and one-fiftieth of one percent additional on all amounts in excess of one million dollars, and not exceeding four million dollars; and one one-hundredth of one percent additional on all amounts in excess of four million dollars; but in no case shall an annual license fee exceed the sum of two thousand five hundred dollars.

Annual license fees, penalty for nonpayment of.

SEC. 140. In the event any corporation, foreign or domestic, shall fail to pay its annual license fee when due there shall become due and owing the state of Washington an additional license fee equivalent to one percent per month or fraction thereof computed upon each annual license fee from the date it should have been paid to the date when it is paid: *Provided*, That the minimum additional license fee due under the provisions of this section shall be two dollars and fifty cents.

Corporations incorporated prior to the effective date of this act shall be deemed to have been incorporated on July 1st of the year of their incorporation.

No action for dissolution by the attorney general for failure to pay any fees under this section shall be commenced sooner than four months after the date when the fees shall have become due and payable under this section.

—Public service companies entitled to deduction.

SEC. 141. The annual fee required to be paid to the department of public service by any public service corporation shall be deducted from the annual

license fee provided herein and the excess only shall be collected.

It shall be the duty of the director of public service to furnish to the secretary of state on or before July 1st of each year a list of all public service corporations with the amount of annual license fees paid to the department of public service for the current year.

SEC. 142. Any corporation organized solely for the purpose of developing natural resources and which does not own or operate any producing mine or property, may file with the secretary of state, on or before the first day of July of any year, its statement, verified by the oath of its president and secretary, covering its operations for the year ending June 1st prior thereto, upon forms to be furnished to it by the secretary of state upon request, and pay therewith to the secretary of state a license fee of ten dollars, and shall thereupon be entitled to a license for the ensuing year.

Fee of non-producing corporation organized to develop natural resources.

The statement shall contain such information as may be required from time to time by the secretary of state, including the name of the company, its principal officers, amount of its authorized shares, subscribed and issued, its par value per share, the name and address of its resident agent or attorney in fact if a foreign corporation, and a brief description of the character and extent of the work and expenditures of the company during the preceding year.

SEC. 143. For the purpose of enforcing collection, all annual license fees assessed in accordance with this act, all penalties assessed thereon and all interest and costs that shall accrue in connection with the collection thereof, shall be a prior and first lien on the real and personal property of the corporation from and including the date when such license fees

Fees as debts, lien on assets.

become due and payable and until such fees, penalties, interest and costs shall have been paid.

Business corporation act.
Fees, charges.
List of foreign corporations
—Assessors to compile.

SEC. 144. Every year at the time of the county tax assessment the county tax assessor shall compile a list of all of the foreign corporations doing business by agent or otherwise within his county. The list shall be alphabetical and shall contain:

- (1) The name of each foreign corporation;
- (2) The nature of the business of the corporation;
- (3) The name of the agent within the county of each corporation;
- (4) Business address of the agent; or
- (5) If an individual, both his business and residence address.

Within ten days after the compilation the tax assessor shall deliver the compiled list to the county auditor.

—Copy to secretary of state.

SEC. 145. Within thirty days of receipt of the list of foreign corporations as compiled by the county tax assessor pursuant to section 144 of this act, the county auditor of each county shall send a true copy of the list to the secretary of state.

Foreign corporations,
filing fee payable by.

SEC. 146. A foreign corporation doing an intrastate business or seeking to do an intrastate business in the state of Washington shall qualify so to do in the manner prescribed in this act and shall pay for the privilege of so doing the filing and license fees prescribed in this act for domestic corporations, including the same fees as are prescribed herein for the filing of articles of incorporation of a domestic corporation. The fees are to be computed upon the portion of capital stock of such corporation represented or to be represented in the state of Washington, to be ascertained by comparing the value in money of its entire property and capital with the value in money of its property and capital in, or to

be brought into, and used in this state. Any corporation that employs an increased amount of its capital stock within the state shall pay fees at the same rate upon such increase, and whenever such increase is made such corporation shall file with the secretary of state, a statement showing the amount of such increase. Before any foreign corporation shall be authorized to do intrastate business in the state of Washington it shall file with the secretary of state upon a blank form to be furnished for that purpose under the oath of its president, secretary, treasurer, superintendent or managing agent in this state, a statement showing the following facts:

(1) The number of shares of capital stock of the company and the par value of each share, and if such shares have no par value, then the value of the assets represented by nonpar shares.

(2) The portion of the capital stock of the company which is represented and/or to be represented, employed and/or to be employed in its business transacted or to be transacted in the state of Washington.

(3) The value of the property in or to be brought into, and the amount of capital to be used by the company in the state of Washington and the value of the property and capital owned and/or used by the company outside of the state of Washington.

(4) Such other facts as the secretary of state may require.

From the facts thus reported, and such other additional information as the secretary of state may require, the secretary of state shall determine the amount of capital or the proportionate amount of the capital stock of the company represented by its property and business in the state of Washington and upon which the fees prescribed herein are payable.

Business corporation act. Fees, charges. Foreign corporations, annual license fee payable by.

SEC. 147. All foreign corporations doing intrastate business, or hereafter seeking to do intrastate business in this state shall pay for the privilege of doing such intrastate business in this state the same fees as are prescribed for domestic corporations for annual license fees. Such fees shall be computed upon the proportion of the capital stock represented or to be represented by its property and business in this state to be ascertained by comparing the entire volume of business with the volume of intrastate business in this state. Any such corporation that shall employ an increased amount of its capital stock within this state shall pay license fees upon such increase in the same proportion as provided for payment of license fees by domestic corporations. Such corporations shall file with the secretary of state a statement showing the amount of such increase and shall forthwith pay to the secretary of state the increased license fee brought about by such increased use of capital represented by its property and business in this state. All fees shall be paid on or before the first day of July of each and every year.

Failure to answer interrogatories--Penalty.

SEC. 148. Each officer and director of a corporation, domestic or foreign, who fails or refuses within the time prescribed by this act to answer truthfully and fully interrogatories propounded to him by the secretary of state in accordance with the provisions of this act, or who signs any articles, statement, report, application or other document filed with the secretary of state which is known to such officer or director to be false in any material respect, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof may be fined in any amount not exceeding five hundred dollars.

Interrogatories by secretary of state.

SEC. 149. The secretary of state may propound to any corporation, domestic or foreign, subject to the provisions of this act, and to any officer or direc-

tor thereof, such interrogatories as may be reasonably necessary and proper to enable him to ascertain whether such corporation has complied with all the provisions of this act applicable to such corporation. Such interrogatories shall be answered within thirty days after the mailing thereof, or within such additional time as shall be fixed by the secretary of state, and the answers thereto shall be full and complete and shall be made in writing and under oath. If such interrogatories be directed to an individual they shall be answered by him, and if directed to a corporation they shall be answered by the president, vice-president, secretary or assistant secretary thereof. The secretary of state need not file any document to which such interrogatories relate until such interrogatories be answered as herein provided, and not then if the answers thereto disclose that such document is not in conformity with the provisions of this act. The secretary of state shall certify to the attorney general, for such action as the attorney general may deem appropriate, all interrogatories and answers thereto which disclose a violation of any of the provisions of this act.

SEC. 150. Interrogatories propounded by the secretary of state and the answers thereto shall not be open to public inspection nor shall the secretary of state disclose any facts or information obtained therefrom except insofar as his official duty may require the same to be made public or in the event such interrogatories or the answers thereto are required for evidence in any criminal proceedings or in any other action by this state.

Interrogatories, information disclosed by.

SEC. 151. The secretary of state shall have the power and authority reasonably necessary to enable him to administer this act efficiently and to perform the duties therein imposed upon him.

Administration, powers and duties of secretary of state.

Business corporation act.
Appeal from secretary of state.

SEC. 152. If the secretary of state shall fail to approve any articles of incorporation, amendment, merger, consolidation or dissolution, or any other document required by this act to be approved by the secretary of state before the same shall be filed in his office, he shall, within ten days after the delivery thereof to him, give written notice of his disapproval to the person or corporation, domestic or foreign, delivering the same, specifying the reasons therefor. From such disapproval such person or corporation may appeal to the superior court of the county in which the registered office of such corporation is, or is proposed to be, situated by filing with the clerk of such court a petition setting forth a copy of the articles or other document sought to be filed and a copy of the written disapproval thereof by the secretary of state; whereupon the matter shall be tried de novo by the court, and the court shall either sustain the action of the secretary of state or direct him to take such action as the court may deem proper.

If the secretary of state shall revoke the certificate of authority to transact business in this state of any foreign corporation, pursuant to the provisions of this act, such foreign corporation may likewise appeal to the superior court of the county where the registered office of such corporation in this state is situated, by filing with the clerk of such court a petition setting forth a copy of its certificate of authority to transact business in this state and a copy of the notice of revocation given by the secretary of state; whereupon the matter shall be tried de novo by the court, and the court shall either sustain the action of the secretary of state or direct him to take such action as the court may deem proper.

Appeals from all final orders and judgments entered by the superior court under this section in

review of any ruling or decision of the secretary of state may be taken as in other civil actions.

SEC. 153. All certificates issued by the secretary of state in accordance with the provisions of this act, and all copies of documents filed in his office in accordance with the provisions of this act when certified by him, shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the facts therein stated. A certificate by the secretary of state under the great seal of this state, as to the existence or non-existence of the facts relating to corporations shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the existence or nonexistence of the facts therein stated.

Certificates, certified copies, to be received in evidence.

SEC. 154. Whenever, with respect to any action to be taken by the shareholders of a corporation, the articles of incorporation require the vote or concurrence of the holders of a greater proportion of the shares, or of any class or series thereof, than required by this act with respect to such action, the provisions of the articles of incorporation shall control.

Greater voting requirements.

SEC. 155. Whenever any notice is required to be given to any shareholder or director of a corporation under the provisions of this act or under the provisions of the articles of incorporation or by-laws of the corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

Waiver of notice.

SEC. 156. Any action required by this act to be taken at a meeting of the shareholders of a corporation, or any action which may be taken at a meeting of the shareholders, may be taken without a meeting if a consent in writing, setting forth the

Shareholders, action by without a meeting.

Business corporation act. Shareholders, action by without a meeting.

action so taken, shall be signed by all of the shareholders entitled to vote with respect to the subject matter thereof.

Such consent shall have the same force and effect as a unanimous vote of shareholders, and may be stated as such in any articles or document filed with the secretary of state under this act.

Unauthorized assumption of corporate powers.

SEC. 157. All persons who assume to act as a corporation without authority so to do shall be jointly and severally liable for all debts and liabilities incurred or arising as a result thereof.

Certain exemptions from filing and licensing fees.

SEC. 158. Building and loan and savings and loan associations paying special fees provided for in the act under which the same are incorporated, shall not be required to pay the filing and license fees provided for herein and shall be exempted from the provisions of this act.

Compliance with fee requirements prerequisite to court proceedings.

SEC. 159. No corporation shall be permitted to commence or maintain any suit, action, or proceeding in any court of this state, without alleging and proving that it has paid or contracted to pay as herein provided all fees and penalties due the state of Washington under existing law or this act.

Application to foreign and interstate commerce.

SEC. 160. The provisions of this act shall apply to commerce with foreign nations and among the several states only insofar as the same may be permitted under the provisions of the Constitution of the United States.

Application to existing corporations.

SEC. 161. The provisions of this act shall apply to all existing corporations organized under any general act of this state providing for the organization of corporations for a purpose or purposes for which a corporation might be organized under this act, where the power has been reserved to amend, repeal or modify the act under which such corporation was organized and where such act is repealed

by this act. Neither the enactment of this title nor the amendment or repeal thereof, nor of any statute affecting corporations, shall take away or impair any liability of cause of action existing or accrued against any corporation, its shareholders, directors or officers.

SEC. 162. Any moneys received by the secretary of state under the provisions of this act shall be by him paid into the state treasury as provided by law.

Disposition
of funds.

SEC. 163. The legislature shall at all times have power to prescribe such regulations, provisions and limitations as it may deem advisable, which regulations, provisions and limitations shall be binding upon any and all corporations subject to the provisions of this act, and the legislature shall have power to amend, repeal or modify this act at pleasure.

Revocation of
power by
legislature.

SEC. 164. If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section or part of this act, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this act, but the effect thereof shall be confined to the clause, sentence, paragraph, section or part of this act so adjudged to be invalid or unconstitutional.

Effect of in-
validity of
part of act.

SEC. 165. Nothing contained in this act shall be construed as an impairment of any obligation of the state as evidenced by bonds held for any purpose, and subsections 2 and 13 of section 135, subsections 1 and 2 of section 136, and sections 137, 138, 139, 140, 141, 142, 146, and 147 shall be deemed to be a continuation of chapter 70, Laws of 1937, as amended, for the purpose of payment of:

No impairment
of state obli-
gation evi-
denced by
bonds.

(1) world's fair bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961, and

(2) outdoor recreation bonds authorized by referendum bill number 11 (chapter 12, Laws of 1963

extraordinary session), approved by the people on November 3, 1964.

Business
corporation
act. Repeal.

SEC. 166. The following acts or parts of acts are hereby repealed:

- (1) Section 1, chapter 132, Laws of 1963;
- (2) Chapter 160, Laws of 1961;
- (3) Sections 1 and 2, chapter 208, Laws of 1961;
- (4) Sections 1 and 2, chapter 12, Laws of 1959;
- (5) Sections 1 and 4, chapter 263, Laws of 1959;
- (6) Sections 1 through 4, chapter 198, Laws of 1957;
- (7) Sections 1 through 3, chapter 143, Laws of 1955;
- (8) Chapter 92, Laws of 1955;
- (9) Chapter 213, Laws of 1953;
- (10) Chapter 170, Laws of 1949;
- (11) Chapter 172, Laws of 1949;
- (12) Chapter 188, Laws of 1949;
- (13) Chapter 195, Laws of 1947;
- (14) Sections 1 and 2, chapter 226, Laws of 1947;
- (15) Chapter 32, Laws of 1943;
- (16) Section 7, chapter 103, Laws of 1941;
- (17) Sections 1 through 18, chapter 143, Laws of 1939;
- (18) Sections 1 through 32, chapter 70, Laws of 1937;
- (19) Chapter 185, Laws of 1933;
- (20) Chapter 168, Laws of 1923;
- (21) Chapter 93, Laws of 1915;
- (22) Chapter 41, Laws of 1911;
- (23) Chapter 11, Laws of 1905;
- (24) Chapter LXX (70), Laws of 1897;
- (25) Chapter XXXVIII (38), Laws of 1895;
- (26) Chapter CXLII (142), Laws of 1895;
- (27) Page 288, Laws of 1890;
- (28) Page 85, Laws of 1886;
- (29) Page 86, Laws of 1886;
- (30) Page 87, Laws of 1886;

- (31) RCW 23.52.010 through 23.52.120;
- (32) Chapters 23.01, 23.54, 23.60 and 23.70 RCW.

SEC. 167. This act shall take effect on July 1, 1967. Effective date.

SEC. 168. Section 1, chapter 173, Laws of 1927 and RCW 4.12.025 are each amended to read as follows: RCW 4.12.025 amended.

An action may be brought in any county in which the defendant resides, or, if there be more than one defendant, where some one of the defendants resides at the time of the commencement of the action. For the purpose of RCW 4.12.025, 4.12.026 and 4.12.027, the residence of a corporation defendant shall be deemed to be in any county where the corporation transacts business or has an office for the transaction of business or transacted business at the time the cause of action arose or where any person resides upon whom process may be served upon the corporation, unless hereinafter otherwise provided. The venue of any action brought against a corporation, at the option of the plaintiff, shall be (1) in the county where the tort was committed; (2) in the county where the work was performed for said corporation; (3) in the county where the agreement entered into with the corporation was made; or (4) in the county where the corporation has its principal place of business.

Actions to be brought where defendant resides—Residence of corporations.

Passed the House March 11, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 54.

[House Bill No. 64.]

STATE EDUCATIONAL INSTITUTIONS — SCHOOL DISTRICTS—ANNUITIES FOR EMPLOYEES.

AN ACT relating to the purchase of tax deferred annuities for employees of the state educational institutions or school district; saving certain contractual rights; and amending section 1, chapter 223, Laws of 1937 as last amended by section 1, chapter 256, Laws of 1957 and RCW 28.76.240.

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

School, educational institution employees. Tax deferred annuities for authorized.

SECTION 1. The regents, trustees, or board of directors of any of the state educational institutions or school districts are authorized to provide and pay for tax deferred annuities for their respective employees in lieu of a portion of salary or wages as authorized under the provisions of 26 U.S.C., section 403 (b), as amended by Public Law 87-370, 75 Stat. 796 as now or hereafter amended.

RCW 28.76.240 amended.

SEC. 2. Section 1, chapter 223, Laws of 1937 as last amended by section 1, chapter 256, Laws of 1957 and RCW 28.76.240 are each amended to read as follows:

Annuities and retirement income plans for faculty members.

The board of regents of the University of Washington and the board of regents of the Washington State University are authorized and empowered:

(1) To assist the faculties and such other employees of their respective institutions as the board of regents may designate in the purchase of old age annuities or retirement income plans under such rules and regulations as the regents of said institutions may prescribe. County agricultural agents, home demonstration agents, 4-H club agents, and assistant county agricultural agents paid jointly by the Washington State University and the several counties shall be deemed to be full time employees of the Washington State University for the purposes hereof;

(2) To provide, under such rules and regulations as any such board may prescribe for the institution under its supervision, for the retirement of any such faculty member or employee on account of age or condition of health, retirement on account of age to be not earlier than the sixty-fifth birthday;

(3) To pay to any such retired person, each year after his retirement, an amount which, when added to the amount of such annuity or retirement income plan received by him in such year, will not exceed fifty percent of the average annual salary paid to such person for his last ten years or full time service at such institution.

SEC. 3. Nothing in this 1965 amendatory act shall derogate from any contractual right of any resigning or retiring faculty member or employee, or any other person who has severed relations with the University of Washington or Washington State University or any arm or agency thereof, of recovering his contributions together with accrued interest thereon.

Contractual
rights
preserved.

Passed the House March 10, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 55.

[House Bill No. 91.]

JUSTICE COURTS—FILING FEES.

AN ACT relating to justice courts; amending section 110, chapter 299, Laws of 1961 and RCW 3.62.060.

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

SECTION 1. Section 110, chapter 299, Laws of 1961 and RCW 3.62.060 are each amended to read as follows:

RCW 3.62.060
amended.

In any civil action commenced before or transferred to a justice court, the plaintiff shall, at the

Filing fees in
civil cases.

Filing fees in
civil cases.

time of such commencement or transfer, pay to such court a filing fee of four dollars. Fees for the support of county law libraries shall be paid and collected according to the provisions of RCW 27.24.070. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action: *Provided*, That if process in replevin, attachment, or garnishment shall issue therein, the party procuring such process shall pay to such court an additional sum of one dollar for each such process as the fees and charges of the court incident to the proceedings.

Passed the House March 4, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 56.

[House Bill No. 92.]

STATE LANDS—MINERAL LEASES AND CONTRACTS.

AN ACT relating to state lands and providing for mineral leases and public use thereof; adding new sections to chapter 255, Laws of 1927 and to chapter 79.01 RCW; amending section 155, chapter 255, Laws of 1927 and RCW 79.01.616; amending section 156, chapter 255, Laws of 1927 and RCW 79.01.620; amending section 157, chapter 255, Laws of 1927 and RCW 79.01.624; amending section 158, chapter 255, Laws of 1927 as amended by section 1, chapter 103, Laws of 1945 and RCW 79.01.628; amending section 159, chapter 255, Laws of 1927 and RCW 79.01.632; amending section 160, chapter 255, Laws of 1927 and RCW 79.01.636; amending section 161, chapter 255, Laws of 1927 and RCW 79.01-.640; amending section 162, chapter 255, Laws of 1927 as last amended by section 38, chapter 257, Laws of 1959 and RCW 79.01.644; and amending section 3, chapter 103, Laws of 1945 and RCW 79.01.648; and providing penalties.

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

New section.

SECTION 1. There is added to chapter 255, Laws of 1927 and to chapter 79.01 RCW a new section to read as follows:

(1) "Department" shall mean the "department of natural resources" of the state of Washington.

Public lands—
Prospecting
leases, mining
contracts, on.
"Department",
"Person",
defined.

(2) "Person" as used in sections relating to mineral leases and contracts shall include any citizen of the United States or person who has, in good faith, declared his intention of becoming a citizen of the United States, or any corporation organized and existing under and by virtue of the laws of any state or territory of the United States and authorized to do business in this state, or citizens of such of the provinces of the Dominion of Canada as do not expressly or by implication prohibit leasing of provincial lands by citizens of this state, or partnership, association, receiver, trustee, executor, administrator, guardian or fiduciary.

SEC. 2. Section 155, chapter 255, Laws of 1927 and RCW 79.01.616 are each amended to read as follows:

RCW 79.01.616
amended.

The department of natural resources shall have the power to execute leases, for prospecting, and contracts for the mining of valuable minerals and specified materials, except hydrocarbons, upon and from any public lands belonging to or held in trust by the state, or which have been sold and the minerals thereon reserved by the state, to any person, in tracts of not to exceed the equivalent of one section and not less than the equivalent of one-sixteenth of a section in legal subdivisions according to the United States government surveys.

Leases and
contracts au-
thorized—
Tract size.

SEC. 3. There is added to chapter 255, Laws of 1927 and to chapter 79.01 RCW a new section to read as follows:

New section.

The department of natural resources shall have the authority to promulgate all reasonable rules and regulations necessary for carrying out the mineral leasing provisions of this amendatory act of 1965. Such rules and regulations shall be enacted under the provisions of chapter 34.04 RCW. The department may amend or rescind any rules or regulations pro-

—Rules and
regulations.

mulgated under the provisions of this section. The department shall publish these rules and regulations in pamphlet form for the information of the public.

RCW 79.01.620 amended.

SEC. 4. Section 156, chapter 255, Laws of 1927 and RCW 79.01.620 are each amended to read as follows:

Public lands—
Prospecting
leases, mining
contracts, on.
Application
for lease—Ad-
vance fee—
Investigation
and report—
Rental.

Any person desiring to obtain a lease or leases for mineral prospecting purposes upon any lands owned or administered by the department of natural resources, shall file in the proper office of the department of natural resources an application or applications therefor, upon the prescribed form, and shall pay to the department a rental of twenty-five cents per acre for the first year of such lease or leases, payable in advance to the department at the time of making application therefor, together with an application fee: *Provided*, That the department may reject the application and declare the first year's rental and the application fee forfeited should the applicant fail to complete and execute the lease. The department may upon receipt of an application for a prospecting lease cause an investigation and report to be made, such report to indicate improvements upon and to the land, the estimated amount of damage which might accrue to the land through prospecting or mining, and the mineral character of the land.

RCW 79.01.624 amended.

SEC. 5. Section 157, chapter 255, Laws of 1927 and RCW 79.01.624 are each amended to read as follows:

—Applica-
tion for lease
when lands
leased prior
thereto for
other purposes
--Procedure.

In case the lands described in the application for a mineral prospecting lease or mining contract, shall have been leased for any other purpose than mineral prospecting or mining, and the minerals therein reserved by the state, the department of natural resources upon the filing of the application, shall at its option cause a full investigation and report to be made as to the nature and location of the lands applied for, and the estimated amount of damages

that will accrue to such lands by reason of prospecting and/or mining therefrom.

The applicant shall provide compensation for all damages to the lessee's interest and to the state. In case the applicant has not provided for satisfactory compensation to the lessee's interest and to the state, the department may at its discretion require the filing of a cash or surety bond with the department in an amount sufficient in the opinion of the department to cover such compensation until the amount and payment of compensation has been provided for, in accordance with the rules and regulations adopted by the department.

SEC. 6. Section 158, chapter 255, Laws of 1927 as amended by section 1, chapter 103, Laws of 1945, and RCW 79.01.628 are each amended to read as follows:

RCW 79.01.628
amended.

Leases for prospecting purposes shall be for the term of two years from the date of the lease. The rental on the lease shall be twenty-five cents per acre per year payable in advance to the department of natural resources during the term of the lease. The lessee, or his assigns, shall have the right to extract and remove from the leased premises any minerals or specified materials found on the premises upon making application for conversion to a mining contract. Upon the commencement of actual mining, recovery, and saving of minerals and specified materials, a minimum royalty of two dollars and fifty cents per acre per year in lieu of an annual rental shall become effective.

—Terms and
conditions of
lease—Con-
version to min-
ing contract,
effect.

The lessee will pay royalties to the state as provided in the mining contract and in the rules and regulations promulgated by the department. The minimum royalty shall be allowed as a credit against royalties due during the calendar year said minimum royalty is paid. The lessee, or his assigns, shall have the right to cut and use such timber found on the

leased premises belonging to the state for mining and fuel as provided for in rules and regulations promulgated by the department.

RCW 79.01.632 amended.

SEC. 7. Section 159, chapter 255, Laws of 1927 and RCW 79.01.632 are each amended to read as follows:

Public lands—
Prospecting
leases, mining
contracts, on.
Preference
right to min-
ing contract.

The holder of any prospecting lease, or his assigns, shall if he apply therefor to the department of natural resources within sixty days prior to the expiration of the prospecting lease, have a preference right to a mining contract to the premises described in said lease, or any part thereof, upon the same terms and royalties as provided in the prospecting lease. Any contract issued upon conversion from a two year prospecting lease shall have deducted the time already expended on said prospecting lease.

At such time as application is made for a mining contract, the lessee shall submit evidence and proof of development work as provided for in rules and regulations promulgated by the department, together with the rental or minimum royalty and the application fee to the department.

Any lessee not converting a two year prospecting lease to a mining contract or being refused a contract by the department shall not be entitled to a new prospecting lease or mining contract on the premises leased for one year from the expiration date of the prior lease. Such lands included in said prospecting lease or contract conversion shall be open to application by any person other than the prior lessee, his agents or associates during the year period described above.

New section.

SEC. 8. There is added to chapter 255, Laws of 1927 and to chapter 79.01 RCW a new section to read as follows:

—Transfer
of state's
right of

Where the surface rights have been sold and the minerals retained by the state, the state's right of

entry to lands is hereby transferred and assigned to the lessee during the life of the contract and said lessee herewith shall be responsible for providing compensation to the owner of the surface rights for damages incurred through prospecting and mining. No lessee shall commence any operation upon lands covered by his lease or contract until such lessee has provided for compensation to the owners of private rights thereon according to law.

entry, responsibilities to lease.

SEC. 9. There is added to chapter 255, Laws of 1927 and to chapter 79.01 RCW a new section to read as follows:

New section.

The department of natural resources shall automatically terminate and cancel a prospecting lease or mining contract upon failure of the lessee to make payment of the annual rental or royalties or comply with the terms and conditions of said lease or contract upon the date such payments and compliances are due. The lessee shall be notified of such termination and cancellation, said notice to be mailed to the last known address of the lessee. Termination and cancellation shall become effective thirty days from the date of mailing said notice: *Provided*, That the department may, upon written request from the lessee, grant an extension of time in which to make such payment or comply with said terms and conditions.

—Termination of lease or mining contract, when.

SEC. 10. Section 160, chapter 255, Laws of 1927 and RCW 79.01.636 are each amended to read as follows:

RCW 79.01.636 amended.

Any person desiring to obtain a contract or contracts for the mining of valuable minerals and specified materials, except hydrocarbons, shall file in the proper office of the department of natural resources an application or applications therefor upon the prescribed form together with the application fee required by law and the first year's rental in the amount of twenty-five cents per acre.

—Mining contracts—
Procedure for issuance—
Terms—Rents and royalties—
Termination.

Public lands—
Prospecting
leases, mining
contracts, on.
Mining con-
tracts—Pro-
cedure for
issuance—
Terms—Rents
and royalties—
Termination.

The department, upon the receipt of any such application for a mining contract, may cause a full investigation and report to be made as to the nature and location of the lands applied for, the location and extent of improvements upon and to the land, and the estimated amount of damages that will accrue to such lands by reason of prospecting or exploring thereon or extracting minerals or specified materials therefrom. The first four years of the contract shall be referred to as the prospecting or exploration period and shall require a rental of twenty-five cents per acre per year during the first and second years of the contract, the third and fourth years inclusive shall require an annual rental of fifty cents per acre, the fifth through the twentieth year shall be referred to as the mining period of the contract and shall require a minimum royalty of two dollars and fifty cents per acre per year in lieu of an annual rental. To retain the contract past the fourth year, the lessee shall pay in advance, the minimum annual royalty and submit proof and evidence of development work.

In case the lessee does not submit the required proof and evidence of development work and minimum annual royalty, the contract shall automatically terminate upon the expiration of the fourth year of such contract. The lessee, his agents or associates, shall not be eligible for a new contract or prospecting lease for one year from the expiration date of said contract. Lands covered by such terminated contract shall be open to application by any person other than the prior lessee, his agents or associates.

Upon the commencement of actual mining, recovery, and saving of any minerals or materials on the premises covered by the contract, during the prospecting or exploration period of the contract, the annual rental shall be changed to a minimum royalty of two dollars and fifty cents per acre per year, such

minimum royalty to become effective upon the next succeeding anniversary date of said contract.

Beginning with the fifth year of the contract and for each year thereafter, the lessee shall perform development work or make improvements on the leased premises to an amount of not less than two dollars and fifty cents per acre per year or pay to the state the sum of two dollars and fifty cents per acre per year in lieu of the performance of said development work or improvements together with the minimum royalty of two dollars and fifty cents per acre. Development work and improvements reported must contribute to the mineral and specified material development of the premises contained in the contract.

The lessee shall have the right at any time to terminate the contract or surrender to the state any one or more legal subdivisions contained in the contract insofar as it requires the lessee to pay rentals, royalties, perform work, or to mine minerals or specified materials on said land: *Provided*, That the remaining lands covered by the contract shall not be less than the equivalent of one-sixteenth of a section. Said termination by the lessee shall be made by giving written notice to the department of natural resources which, shall officially, in writing, acknowledge the receipt of such notice, and the contract shall terminate sixty days thereafter and all arrears and the sums which may be due under the contract up to the time of its termination shall be paid.

The lessee shall have sixty days from the termination date of the contract in which to remove all improvements from the premises without material damage to the land or subsurface covered by said contract, all such improvements remaining on the premises after sixty days shall become the property of the state of Washington: *Provided*, That the lessee may upon written request to the department

be granted an extension where forces beyond the control of the lessee prevent removal of said improvements within sixty days.

RCW 79.01.640 amended.

SEC. 11. Section 161, chapter 255, Laws of 1927 and RCW 79.01.640 are each amended to read as follows:

Public lands—
Prospecting leases, mining contracts, on. Form of leases or contracts—
Subcontracting.

Prospecting leases or mining contracts referred to in chapter 79.01 RCW shall be as prescribed by, and in accordance with rules and regulations promulgated by the department of natural resources.

The department is authorized to insert in any mineral prospecting lease or mining contract to be issued under the provisions of this chapter such terms and conditions as are customary and proper for the protection of the rights of the state and of the lessee not in conflict with the provisions of this chapter, or rules and regulations promulgated by the commissioner.

Any lessee shall have the right to contract with others to work or operate the leased premises or any part thereof or to subcontract the same and the use of said land or any part thereof for the purpose of mining for valuable minerals or specified materials, with the same rights and privileges granted to the lessee. Notice of such contracting or subcontracting with others to work or operate the property shall be made in writing to the department.

RCW 79.01.644 amended.

SEC. 12. Section 162, chapter 255, Laws of 1927 as last amended by section 38, chapter 257, Laws of 1959, and RCW 79.01.644 are each amended to read as follows:

—Royalties
—Renewal of contract.

Mining contracts entered into as provided in chapter 79.01 RCW shall, in addition to the provisions contained in the form specified, provide for the payment to the state of royalties, payable at specified periods and rates to be agreed upon by the department of natural resources and the applicant, but which periods and rates shall be in accordance

with the rules and regulations promulgated by the department. The lessee, or his assigns, may apply for the renewal of the contract to the department within ninety days prior to the expiration of said contract. Upon receipt of such application, the department shall make the necessary investigation to determine whether the terms of the contract have been complied with, and if he finds they have been complied with in good faith, he shall then be required to issue a new contract of the premises described in the present contract, or any part thereof, upon the same terms and percentages as are provided for in the present contract: *Provided*, That the prospecting or exploration period of the present contract shall be waived and the new contract shall specify an annual minimum royalty of not less than two dollars and fifty cents per acre.

SEC. 13. Section 3, chapter 103, Laws of 1945 and RCW 79.01.648 are each amended to read as follows:

RCW 79.01.648 amended.

The holders of two or more mining contracts may consolidate said contracts under a common management to permit proper operation of large scale developments. Notification of such consolidation shall be made to the department of natural resources, together with a statement of plans of operation and proposed consolidation. The department may thereafter make examinations and investigations and if it finds that such consolidation is not in the best interest of the state, it shall disapprove such consolidated operation.

—Consolidation of contracts—Approval.

SEC. 14. There is added to chapter 255, Laws of 1927 and to chapter 79.01 RCW a new section to read as follows:

New section.

Any person designated by the department of natural resources shall have the right at any time to enter upon the lands and inspect and examine the

Right of entry.

Public lands—
Prospecting
leases, mining
contracts, on.
Right of entry.

structures, works, and mines situated thereon, and shall also have the right to examine such books, records, and accounts of the lessee as are directly connected with the determination of royalties on the property under lease from the state but it shall be unlawful for any person so appointed to disclose any information thus obtained to any person other than the departmental officials and employees, except the attorney general and prosecuting attorneys of the state.

New section.

SEC. 15. There is added to chapter 255, Laws of 1927 and to chapter 79.01 RCW a new section to read as follows:

Reservation of
right to re-
move timber,
sand or gravel.

The state shall have the right to sell or otherwise dispose of any timber, sand, or gravel, except minerals or materials specifically covered by a mineral prospecting lease or mining contract, found upon the land during the period covered by said lease or contract. The state shall also have the right to enter upon such land and remove same, and shall not be obliged to withhold from any sale any timber for prospecting or mining purposes: *Provided*, That the lessee shall be permitted to use timber as provided in this chapter and in rules and regulations promulgated by the department of natural resources.

Park lands as
rent free.

SEC. 16. State lands used by the state parks commission as public parks shall be rent free.

Passed the House March 10, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 57.

[House Bill No. 111.]

PUBLIC EMPLOYEES—GROUP HOSPITALIZATION AND
MEDICAL AID.

AN ACT relating to group hospitalization and medical aid for public employees, certain elected officials, and the dependents of such employees and officials; and amending section 1, chapter 75, Laws of 1963 and RCW 41.04.180; and section 2, chapter 75, Laws of 1963 and RCW 41.04.190.

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

SECTION 1. Section 1, chapter 75, Laws of 1963 and RCW 41.04.180 are each amended to read as follows:

RCW 41.04.180 amended.

Any department, division, or separate agency of the state government, and any county, municipality or other political subdivision of the state acting through its principal supervising official or governing body may, whenever funds shall be available for that purpose, 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 may provide such hospitalization and medical aid to county elected officials and their dependents on the same basis as such hospitalization and medical aid is provided to other county employees and their dependents: *Provided further*, That the contributions of any department, division or separate agency of the state government and school districts shall be limited to not to exceed fifty percent of any premium therefor, or five dollars per month per employee covered, whichever is less except that such limitation shall not apply to employees employed under chapter 47.64 RCW.

Public employees—Group hospitalization and medical aid. Premiums, governmental contributions under.

RCW 41.04.190 amended.

SEC. 2. Section 2, chapter 75, Laws of 1963 and RCW 41.04.190 are each amended to read as follows:

Premiums, governmental contributions under. Cost deemed additional compensation—Disbursement.

The cost of any such group policy or plan to any such public agency or body shall be deemed additional compensation to the employees or elected county officials covered thereby for services rendered, and any officer authorized to disburse such funds may pay in whole or in part to any such insurance carrier or health care service contractor the amount of the premiums due pursuant to any such contract.

—Legislator's right to county office to be preserved—Severability.

SEC. 3. No board of county commissioners shall take any action under this 1965 amendatory act which shall disqualify members of the present legislature, under Article II, section 13, of the Constitution, from being candidates for or being elected or appointed to county elected offices.

If any provision of the action of a board of county commissioners is held invalid under the preceding paragraph of this section, the remainder of the action or the application of the provision to other persons or circumstances shall not be affected.

Passed the House March 7, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 58.

[House Bill No. 112.]

CITIES AND TOWNS—LOCAL IMPROVEMENTS.

AN ACT relating to local improvements of cities and towns; amending section 35.43.170, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.43.170; and amending section 35.43.180, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.43.180.

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

SECTION 1. Section 35.43.170, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.43.170 are each amended to read as follows:

RCW 35.43.170 amended.

No city or town shall proceed with a local improvement initiated by resolution of the city's legislative authority if it appears from the preliminary estimates and assessment roll that the city or town would have been prohibited from proceeding had the proceeding been initiated by petition, except when the legislative authority of the city or town, deeming it necessary for public health or safety, by unanimous vote, orders the construction of sanitary sewers and necessary accessories for the disposal of sewage, or the construction of any sanitary fill, or the construction of watermains and hydrants, or the filling of any street to the established grade over tideflats or tidelands, in which event it may assess all or any part of the cost to property benefited irrespective of the limitations of RCW 35.43.160.

Cities and towns—Local improvements. Restraint on authority—When initiated by resolution.

SEC. 2. Section 35.43.180, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.43.180 are each amended to read as follows:

RCW 35.43.180 amended.

The jurisdiction of the legislative authority of a city or town to proceed with any local improvement initiated by resolution shall be divested by a protest filed with the city or town council within thirty days from the date of passage of the ordinance ordering the improvement, signed by the owners of the prop-

Restraints by protest.

Cities and
towns—Local
improvements.
Restraints by
protest.

erty within the proposed local improvement district subject to sixty percent or more of the total cost of the improvement including federally-owned or other nonassessable property as shown and determined by the preliminary estimates and assessment roll of the proposed improvement district or, if all or part of the local improvement district lies outside of the city or town, such jurisdiction shall be divested by a protest filed in the same manner and signed by the owners of property which is within the proposed local improvement district but outside the boundaries of the city or town and which is subject to sixty percent or more of that part of the total cost of the improvement allocable to property within the proposed local improvement district but outside the boundaries of the city or town, including federally-owned or other nonassessable property: *Provided*, That such restraint by protest shall not apply to any local improvement by sanitary sewers or water-mains and fire hydrants where the health officer of any city or town shall file with the legislative authority thereof a report showing the necessity for such improvement accompanied by a report of the chief of the fire department in the event such improvement includes fire hydrants, and such legislative body finds and recites in the ordinance or resolution authorizing the improvement that such improvement is necessary for the protection of the public health and safety and such ordinance or resolution is passed by unanimous vote of all members present.

Passed the House March 5, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 59.

[House Bill No. 151.]

FIRE DISTRICTS—ANNEXATIONS.

AN ACT relating to fire districts; adding new sections to chapter 34, Laws of 1939 and to chapter 52.08 RCW.

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

SECTION 1. There is added to chapter 34, Laws of 1939 and to chapter 52.08 RCW a new section to read as follows:

New section.

The method of annexation provided for in sections one, two, and three of this act shall be an alternate method to that specified in RCW 52.08.060.

Annexation by resolution—As alternate method.

SEC. 2. There is added to chapter 34, Laws of 1939 and to chapter 52.08 RCW a new section to read as follows:

New section.

A petition for annexation of an area contiguous to a fire district may be made in writing, addressed to and filed with the board of commissioners of the district to which annexation is desired. It must be signed by the owners, according to the records of the county auditor, of not less than sixty percent of the area of land for which annexation is petitioned, shall set forth a description of the property according to government legal subdivisions or legal plats, and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed. The petition shall state financial obligation, if any, to be assumed by the area to be annexed.

Petition for annexation, contents—Plat.

SEC. 3. There is added to chapter 34, Laws of 1939 and to chapter 52.08 RCW a new section to read as follows:

New section.

If the petition for annexation filed with the board of commissioners complies with the requirements of law, as proved to the satisfaction of the board of commissioners, it may entertain the petition, fix the

Hearing on petition—Notice—Publication—Expenses.

Fire districts—
Annexation by
resolution.
Hearing—
Notice—
Publication—
Expenses.

date for public hearing thereon, and cause notice of the hearing to be published in one issue of a newspaper of general circulation in the area proposed to be annexed and also posted in three public places within the area proposed for annexation. The notice shall specify the time and place of hearing and invite interested persons to appear and voice approval or disapproval of the annexation. The expense of publication and posting of the notice shall be borne by the signers of the petition.

New section.

SEC. 4. There is added to chapter 34, Laws of 1939 and to chapter 52.08 RCW a new section to read as follows:

Resolution of
annexation—
Copy filed.

Following the hearing the board of commissioners shall determine by resolution whether annexation shall be made. It may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition. Upon passage of the resolution a certified copy shall be filed with the board of county commissioners of the county in which the annexed property is located.

Passed the House March 5, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 60.

[House Bill No. 162.]

COUNTY ROAD IMPROVEMENT DISTRICTS.

AN ACT relating to the formation of county road improvement districts; amending section 36.88.010, chapter 4, Laws of 1963 as amended by section 1, chapter 84, Laws of 1963 and RCW 36.88.010; and amending section 36.88.015, chapter 4, Laws of 1963 as amended by section 2, chapter 84, Laws of 1963 and RCW 36.88.015.

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

RCW 36.88.010
amended.

SECTION 1. Section 36.88.010, chapter 4, Laws of 1963 as amended by section 1, chapter 84, Laws of

1963 and RCW 36.88.010 are each amended to read as follows:

All counties shall have the power to create county road improvement districts for the acquisition of rights of way and improvement of county roads; for the construction or improvement of necessary drainage facilities, bulkheads, retaining walls, and other appurtenances therefor, bridges, culverts, sidewalks, curbs and gutters, escalators or moving sidewalks; and for the draining or filling of drainage potholes or swamps, and said counties shall have the power to levy and collect special assessments against the real property specially benefited thereby for the purpose of paying the whole or any part of the cost of such acquisition of rights of way, construction, or improvement.

County road improvement districts. Authorized—Purposes.

SEC. 2. Section 36.88.015, chapter 4, Laws of 1963 as amended by section 2, chapter 84, Laws of 1963 and RCW 36.88.015 are each amended to read as follows:

RCW 36.88.015 amended.

All counties shall have the power to create county road improvement districts for the construction, installation, improvement, operation and maintenance of street and road lighting systems for any county roads, and subject to the approval of the state highway commission, state highways, and for safeguards to protect the public from hazards of open canals, flumes, or ditches, and said counties shall have the power to levy and collect special assessments against the real property specially benefited thereby for the purpose of paying the whole or any part of the cost of such construction, installation or improvement together with the expense of furnishing electric energy, maintenance and operation.

—Additional purposes.

Passed the House March 11, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 61.

[House Bill No. 174.]

WASHINGTON FRESH FRUIT SALES LIMITATION ACT.

AN ACT relating to agriculture and the sale of fresh fruit; prohibiting a limitation in amount on the sale of fresh fruit below seller's cost; and providing penalties.

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

Fresh fruit sales limitation act. Purpose.

SECTION 1. Limitations or restrictions placed on the buyer by the seller offering fresh fruit for sale as to the amount that such prospective buyer may purchase of the total amount of such fresh fruit owned, possessed or controlled by the seller, may lead to or cause confusion, deceptive trade practices, and interfere with the orderly marketing of fresh fruit necessary for the public health and welfare, and is hereby declared to be a business affected with the public interest. The provisions of this act are enacted in the exercise of the police powers of the state for the purpose of protecting the general health and welfare of the people of this state.

Limitation on amount sold below cost as unlawful.

SEC. 2. It shall be unlawful to cause a limitation to be placed on the amount of fresh fruit that a purchaser may buy at retail or wholesale when such fresh fruit is offered for sale, through any media, below cost to the seller. The foregoing shall apply to all such fresh fruit offered for sale below cost and owned, possessed or controlled by such seller.

Cost defined.

SEC. 3. Cost for the purpose of this act, shall be that price paid for fresh fruit by the seller or the actual replacement cost for such fresh fruit: *Provided*, That the delivered invoice price to such seller shall be prima facie evidence of the price paid for such fresh fruit by the seller.

Cost basis when more than one item.

SEC. 4. When one or more items are offered for sale or sold with one or more items at a combined

price, or offered individually or as a package or a unit to be given with the sale of one or more items, each and all such items shall for the purpose of this act be deemed to be offered for sale, and as to such transaction the cost basis shall be the combined cost basis of all such items as determined pursuant to section 3 of this act.

SEC. 5. Any person, prosecuting attorney, or the attorney general may bring an action to enjoin the violation or threatened violation of the provisions of this act in the superior court in the county where such violation occurs or is about to occur, notwithstanding the existence of any other remedies at law.

Actions to enjoin.

SEC. 6. Any person violating the provisions of this act is guilty of a misdemeanor and guilty of a gross misdemeanor for any second and subsequent offense: *Provided*, That any offense committed more than five years after a previous conviction shall be considered a first offense.

Penalties.

SEC. 7. The provisions of this act shall not apply to the following sales at retail or sales at wholesale:

Exemptions.

(1) When fresh fruit is sold for charitable purposes or to relief agencies;

(2) When fresh fruit is sold on contract to departments of the government or governmental institutions;

(3) When fresh fruit is sold by any officer acting under the order or direction of any court.

SEC. 8. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy.

Act cumulative.

SEC. 9. This act may be cited as the Washington fresh fruit sales limitation act.

Short title.

SEC. 10. If any provision of this act, or its application to any person or circumstance is held invalid,

Severability.

the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House March 8, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.



CHAPTER 62.

[House Bill No. 175.]

SCHOOL DISTRICTS—CONDITIONAL SALES CONTRACTS.

AN Act relating to school districts; and adding a new section to chapter 28.58 RCW.

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

New section.

SECTION 1. There is added to chapter 28.58 RCW a new section to read as follows:

School districts—Executory conditional sales contracts by—Authorized—Limitations.

Any school district may execute an executory conditional sales contract with any other municipal corporation, the state or any of its political subdivisions, the government of the United States or any private party for the purchase of any real or personal property, or property rights, in connection with the exercise of any powers or duties which they now or hereafter are authorized to exercise, if the entire amount of the purchase price specified in such contract does not result in a total indebtedness in excess of one and one-half percent of the assessed valuation of the taxable property in such school district: *Provided*, That if such a proposed contract would result in a total indebtedness in excess of one and one-half percent of the assessed valuation of the taxable property of such school district, as the case may be, a proposition in regard to whether or not such a contract may be executed shall be submitted to the voters for approval or rejection in the same manner that bond issues for capital purposes are

submitted to the voters: *Provided further*, That any school district may jointly execute contracts authorized by this section.

Passed the House March 5, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 63.

[House Bill No. 186.]

INTERCOUNTY RURAL LIBRARY DISTRICTS.

AN ACT relating to intercounty rural library districts; and amending section 2, chapter 75, Laws of 1947 as amended by section 1, chapter 82, Laws of 1961 and RCW 27.12.100.

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

SECTION 1. Section 2, chapter 75, Laws of 1947 as amended by section 1, chapter 82, Laws of 1961 and RCW 27.12.100 are each amended to read as follows:

RCW 27.12.100 amended.

An intercounty rural library district shall be established by joint action of two or more counties proceeding by either of the following alternative methods:

Intercounty rural library districts. Establishment—Procedure.

(1) The boards of county commissioners of any two or more counties shall adopt identical resolutions proposing the formation of such a district to include all of the areas outside of incorporated cities or towns in such counties as may be designated in such resolutions. In lieu of such resolutions a petition of like purport signed by ten percent of the registered voters residing outside of incorporated cities or towns of a county, may be filed with the county auditor thereof, and shall have the same effect as a resolution. The proposition for the formation of the district as stated on the petition shall be prepared by the attorney general upon request of the state

Intercounty
rural library
districts. Es-
tablishment—
Procedure.

library commission. Action to initiate the formation of such a district shall become ineffective in any county if corresponding action is not completed within one year thereafter by each other county included in such proposal. The county auditor in each county shall check the validity of the signatures on the petition and shall certify to the board of county commissioners the sufficiency of the signatures. If each petition contains the signatures of ten percent of the registered voters residing outside the incorporated cities and towns of the county, each board of county commissioners shall pass a resolution calling an election for the purpose of submitting the question to the voters and setting the date of said election. When such action has been taken in each of the counties involved, notification shall be made by each board of county commissioners to the board of county commissioners of the county having the largest population according to the last federal census, who shall give proper notification to each county auditor. At the next general or special election held in the respective counties there shall be submitted to the voters in the areas outside of incorporated cities and towns a question as to whether an intercounty rural library district shall be established as outlined in the resolutions or petitions. Notice of said election shall be given the county auditor pursuant to RCW 29.27.080. The county auditor shall provide for the printing of a separate ballot and shall provide for the distribution of ballots to the polling places pursuant to RCW 29.04.020: The county auditor shall instruct the election boards in split precincts. The respective county canvassing boards in each county to be included within the intercounty rural library district shall canvass the votes and certify the results to the county auditor pursuant to chapter 29.62; the result shall then be certified by each county auditor to the county auditor

of the county having the largest population according to the last federal census. If a majority of the electors voting on the proposition in each of the counties affected shall vote in favor of such district it shall thereby become established, and the board of county commissioners of the county having the largest population according to the last federal census shall declare the intercounty rural library district established. If two or more of the counties affected are in an existing intercounty rural library district, then the electors in areas outside incorporated cities and towns in those counties shall vote as a unit and the electors in areas outside incorporated cities and towns in each of the other affected counties shall vote as separate units. If a majority of the electors voting on the proposition in the existing district and a majority of the voters in any of the other affected counties shall vote in favor of an expanded intercounty rural library district it shall thereby become established.

(2) The county commissioners of two or more counties meeting in joint session attended by a majority of the county commissioners of each county may, by majority vote of those present, order the establishment of an intercounty rural library district to include all of the area outside of incorporated cities and towns in as many of the counties represented at such joint meeting as shall be determined by resolution of such joint meeting. If two or more counties are in an existing intercounty rural library district, then a majority vote of all of the commissioners present from those counties voting as a unit, and a majority vote of the commissioners present from any other county shall cause the joint session to order the establishment of an expanded intercounty rural library district. No county, however, shall be included in such district if a majority of its

county commissioners vote against its inclusion in such district.

Passed the House March 3, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 64.

[House Bill No. 217.]

REEF NET FISHING AREAS.

AN ACT relating to food fish and shellfish; and amending section 2, chapter 276, Laws of 1955 as last amended by section 1, chapter 236, Laws of 1961 and RCW 75.12.140.

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

RCW 75.12.140
amended.

SECTION 1. Section 2, chapter 276, Laws of 1955 as last amended by section 1, chapter 236, Laws of 1961 and RCW 75.12.140 are each amended to read as follows:

Reef net fish-
ing areas.
Created.

The following reef net fishing areas are hereby created: *Provided*, That nothing in this section and RCW 75.12.150 and 75.12.160 shall be interpreted as prohibiting other types of legal gear from fishing within the areas created:

(1) Point Roberts reef net fishing area includes those waters within 250 feet on each side of a line projected 129° true from a point at longitude 123° 01' 15" W. latitude 48° 58' 38" N. to a point one mile distant, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6300, published September, 1941, in Washington, D. C., eleventh edition.

(2) Cherry Point reef net fishing area includes those waters inland and inside the 10-fathom line between lines projected 205° true from points on the mainland at longitude 122° 44' 54" latitude 48° 51' 48"

and longitude $122^{\circ} 44' 18''$ latitude $48^{\circ} 51' 33''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(3) Lummi Island reef net fishing area includes those waters inland and inside a line projected from Village Point 208° true to a point 900 yards distant, thence 129° true to the point of intersection with a line projected 259° true from the shore of Lummi Island at $122^{\circ} 40' 42''$ latitude $48^{\circ} 41' 32''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition, revised 11-25-57, save and except that there shall be excluded therefrom all waters lying inside of a line projected 259° true from a point at $122^{\circ} 40' 42''$ latitude $48^{\circ} 41' 32''$ to a point 300 yards distant from high tide, thence in a northerly direction to the United States Coast and Geodetic Survey reference mark number 2, 1941-1950, located on that point on Lummi Island known as Lovers Point, as such descriptions are shown upon the United States Coast and Geodetic Survey map number 6380 as aforesaid. The term "Village Point" as used herein shall be construed to mean a point of location on Village Point, Lummi Island, at the mean high tide line on a true bearing of $43^{\circ} 53'$ a distance of 457 feet to the center of the chimney of a wood frame house on the east side of the county road. Said chimney and house being described as Village Point Chimney on page 612 of the United States Coast and Geodetic Survey list of geographic positions No. G-5455, Rosario Strait.

(4) Sinclair Island reef net fishing area includes those waters inland and inside a line projected from the northern point of Sinclair Island to Boulder reef, thence 200° true to the northwesterly point of Sinclair Island, as such descriptions are shown upon the

Reef net fish-
ing areas.
Created.

United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(5) Flat Point reef net fishing area includes those waters within a radius of 175 feet of a point off Lopez Island located at longitude $122^{\circ} 55' 24''$ latitude $48^{\circ} 32' 33''$, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(6) Lopez Island reef net fishing area includes those waters within 400 yards of shore between lines projected true west from points on the shore of Lopez Island at longitude $122^{\circ} 55' 04''$ latitude $48^{\circ} 31' 59''$ and longitude $122^{\circ} 55' 54''$ latitude $48^{\circ} 30' 55''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(7) Iceberg Point reef net fishing area includes those waters inland and inside a line projected from Davis Point on Lopez Island to the west point of Long Island, thence to the southern point of Hall Island, thence to the eastern point at the entrance to Jones Bay, and thence to the southern point at the entrance to Mackaye Harbor on Lopez Island; and those waters inland and inside a line projected 320° from Iceberg Point light on Lopez Island, a distance of 400 feet, thence easterly to the point on Lopez Island at longitude $122^{\circ} 53' 00''$ latitude $48^{\circ} 25' 39''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(8) Aleck Bay reef net fishing area includes those waters inland and inside a line projected from the southwestern point at the entrance to Aleck Bay on Lopez Island at longitude $122^{\circ} 51' 11''$ latitude $48^{\circ} 25' 14''$ southeasterly 800 yards to the submerged

rock shown on U.S.G.S. map number 6380, thence northerly to the cove on Lopez Island at longitude $122^{\circ} 50' 49''$ latitude $48^{\circ} 25' 42''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(9) Shaw Island reef net fishing area number 1 includes those waters within 300 yards of shore between lines projected true south from points on Shaw Island at longitude $122^{\circ} 56' 14''$ latitude $48^{\circ} 33' 28''$ and longitude $122^{\circ} 57' 29''$ latitude $48^{\circ} 32' 58''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(10) Shaw Island reef net fishing area number 2 includes those waters inland and inside a line projected from Point George on Shaw Island to the westerly point of Neck Point on Shaw Island, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(11) Stuart Island reef net fishing area number 1 includes those waters within 600 feet of the shore of Stuart Island between lines projected true east from points at longitude $123^{\circ} 10' 47''$ latitude $48^{\circ} 39' 47''$ and longitude $123^{\circ} 10' 47''$ latitude $48^{\circ} 39' 33''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(12) Stuart Island reef net fishing area number 2 includes those waters within 250 feet of Gossip Island, also known as Happy Island, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(13) Johns Island reef net fishing area includes those waters inland and inside a line projected from

Reef net fishing areas.
Created.

the eastern point of Johns Island to the northwestern point of Little Cactus Island, thence northwesterly to a point on Johns Island at longitude $123^{\circ} 09' 24''$ latitude $48^{\circ} 39' 59''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(14) Battleship Island reef net fishing area includes those waters lying within 350 feet of Battleship Island, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(15) Open Bay reef net fishing area includes those waters lying within 150 feet of shore between lines projected true east from a point on Henry Island at longitude $123^{\circ} 11' 34\frac{1}{2}''$ latitude $48^{\circ} 35' 27\frac{1}{2}''$ at a point 250 feet south, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(16) Mitchell Reef net fishing area includes those waters within a line beginning at the rock shown on U.S.G.S. map number 6380 at longitude $123^{\circ} 10' 56''$ latitude $48^{\circ} 34' 49\frac{1}{2}''$, and projected 50 feet northwesterly, thence southwesterly 250 feet, thence southeasterly 300 feet, thence northeasterly 250 feet, thence to the point of beginning, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(17) Smugglers Cove reef fishing area includes those waters within 200 feet of shore between lines projected true west from points on the shore of San Juan Island at longitude $123^{\circ} 10' 29''$ latitude $48^{\circ} 33' 50''$ and longitude $123^{\circ} 10' 31''$ latitude $48^{\circ} 33' 45''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered

6380, published March, 1947, in Washington, D. C., eighth edition.

(18) Andrews Bay reef net fishing area includes those waters lying within 300 feet of the shore of San Juan Island between a line projected true south from a point at the northern entrance of Andrews Bay at longitude $123^{\circ} 09' 53\frac{1}{2}''$ latitude $48^{\circ} 33' 00''$ and the cable crossing sign in Andrews Bay, at longitude $123^{\circ} 09' 45''$ latitude $48^{\circ} 33' 04''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(19) Orcas Island reef net fishing area includes those waters inland and inside a line projected true west a distance of 1,000 yards from the shore of Orcas Island at longitude $122^{\circ} 57' 40''$ latitude $48^{\circ} 41' 06''$ thence northeasterly to a point 500 feet true west of Point Doughty, then true east to Point Doughty, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

Passed the House March 5, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 65.

[House Bill No. 237.]

JURIES—TERMS—SELECTION.

AN ACT relating to the selection of jurors; and amending section 4, chapter 57, Laws of 1911 as amended by section 2, chapter 191, Laws of 1925, extraordinary session, and RCW 2.36.090.

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

SECTION 1. Section 4, chapter 57, Laws of 1911 as amended by section 2, chapter 191, Laws of 1925, ex-

RCW 2.36.090
amended.

traordinary session, and RCW 2.36.090 are each amended to read as follows:

Juries—Superior court.
Jury terms—
Jury, how
selected.

Jury terms shall commence on the first Monday of each month, and shall end on the Saturday preceding the first Monday of each month, unless the day of commencing or ending said term be changed by order of the judge or judges of the superior court; but it shall not be necessary to call a jury for any term in any county unless the judge or judges of the superior court of that county shall consider that there is sufficient business to be submitted to a jury to require that one be called. When the judge or judges of the superior court of any county shall deem that the public business requires a jury term to be held, he or they shall require the county clerk to draw jurors to serve for the ensuing term. The county clerk, not more than forty nor less than fourteen days preceding the beginning of a jury term, shall be blindfolded, and in the presence of the judge or one of the judges or of a court commissioner of the superior court shall draw from the jury boxes the names of such number of persons as may have been ordered summoned as jurors for the ensuing term: *Provided*, That at any time or for any period or periods of time the judge or judges may direct by rule or order that all or any number or proportion of the jurors thereafter to be drawn shall be drawn to serve for two successive terms, to the end that not all of the jurors serving during a given period shall cease their service at the same time. The names shall be drawn in equal numbers from each jury box, and before the drawing is made the boxes shall be shaken up so that the slips bearing the names thereon may be thoroughly mixed, and the drawing of the slips shall depend purely upon chance.

Passed the House March 5, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 66.

[House Bill No. 241.]

LIVESTOCK—BRANDS—CASTRATION OF BULLS
RUNNING AT LARGE.

AN ACT relating to livestock; amending sections 2 and 9, chapter 54, Laws of 1959 and RCW 16.57.020 and 16.57.090; amending section 1, page 453, Laws of 1890 and RCW 16.20.010; and amending section 8, chapter 54, Laws of 1959 as amended by section 1, chapter 148, Laws of 1961 and RCW 16.57.080.

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

SECTION 1. Section 2, chapter 54, Laws of 1959 and RCW 16.57.020 are each amended to read as follows:

RCW 16.57.020
amended.

The director shall be the recorder of livestock brands and such brands shall not be recorded elsewhere in this state. Any person desiring to register a livestock brand shall apply on a form prescribed by the director. Such application shall be accompanied by a facsimile of the brand applied for and a eight dollar recording fee. The director shall, upon his satisfaction that the application meets the requirements of this chapter and/or rules and regulations adopted hereunder, record such brand.

Livestock. Re-
cording brands
—Fees.

SEC. 2. Section 9, chapter 54, Laws of 1959 and RCW 16.57.090 are each amended to read as follows:

RCW 16.57.090
amended.

A brand is the personal property of the owner of record. Any instrument affecting the title of such brand shall be acknowledged in the presence of the recorded owner and a notary public. The director shall record such instrument upon presentation and payment of a three dollar recording fee. Such recording shall be constructive notice to all the world of the existence and conditions affecting the title to such brand. A copy of all records concerning the brand, certified by the director, shall be received in

Brand is per-
sonal property
—Instruments
affecting title,
recording,
effect—Non-
liability of
director for
agents.

evidence to all intent and purposes as the original instrument. The director shall not be personally liable for failure of his agents to properly record such instrument.

RCW 16.57.080 amended.

SEC. 3. Section 8, chapter 54, Laws of 1959 as amended by section 1, chapter 148, Laws of 1961 and RCW 16.57.080 are each amended to read as follows:

Livestock. Brands. Renewal—Fee—Effect of failure.

The director shall, on or before the first day of September 1960, and every five years thereafter, notify by letter the owners of brands then of record, that on the payment of five dollars and application of renewal, the director shall issue a renewal receipt granting the brand owner exclusive ownership and use of such brand for another five year period. Failure of the registered owner to pay the renewal fee within six months shall cause the director to notify the registered owner by certified mail at his last known address. The failure of the registered owner to pay the renewal fee within three months after notification by certified mail shall cause such owner's brand to become a part of the public domain: *Provided*, That for a period of three years following such reversion to the public domain, the brand shall not be reissued to any person other than the registered owner.

RCW 16.20.010 amended.

SEC. 4. Section 1, page 453, Laws of 1890 and RCW 16.20.010 are each amended to read as follows:

Castration of bulls at large.

It shall be lawful for any person having cows or heifers running at large in this state to take up or capture and castrate, at the risk of the owner, at any time between the first day of March and the fifteenth day of May, any bull above the age of ten months found running at large out of the enclosed grounds of the owner or keeper, and if the said animal shall die, as a result of such castration, the owner shall have no recourse against the person who shall have taken up or captured and castrated, or caused to be castrated,

the said animal: *Provided*, Such act of castration shall have been skillfully done by a person accustomed to doing the same: *And provided further*, That if the person so taking up or capturing such bull, or causing him to be so taken up or captured, shall know the owner or keeper of such animal, and shall know that said animal is being kept for breeding purposes, it shall be his duty forthwith to notify such owner or keeper of the taking up of said animal, and if such owner or keeper shall not within two days after being so notified pay for the keeping of said animal at the rate of fifty cents per day, and take and safely keep said animal thereafter within his own enclosures, then it shall be lawful for the taker-up of said animal to castrate the same, and the owner thereof shall pay for such act of castration the sum of one dollar and fifty cents, if done skillfully, as hereinbefore required, and shall also pay for the keeping of said animal as above provided, and the amount for which he may be liable therefor may be recovered in an action at law in any court having jurisdiction thereof: *And provided further*, That if said animal should be found running at large a third time within the same year, and within the prohibited dates hereinbefore mentioned, it shall be lawful for any person to capture and castrate him without giving any notice to the owner or keeper whatever.

Passed the House March 10, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 67.

[House Bill No. 251.]

MOTOR VEHICLE FUEL IMPORTER USE TAX.

AN ACT relating to the motor vehicle fuel importer use tax; amending sections 2, 6, 14 and 15, chapter 22, Laws of 1963 extraordinary session and RCW 82.37.020, 82.37.060, 82.37-.140 and 82.37.150; and adding one new section to chapter 22, Laws of 1963 extraordinary session and chapter 82.37 RCW.

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

RCW 82.37.020 amended.

SECTION 1. Section 2, chapter 22, Laws of 1963 extraordinary session and RCW 82.37.020 are each amended to read as follows:

Motor vehicle fuel importer use tax. Definitions.

The following words, terms, and phrases when used in this chapter have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

(1) "Commercial motor vehicle" means any motor vehicle used or maintained for the transportation of persons for hire, or any vehicle designed, used or maintained primarily for the transportation of commodities, merchandise, produce, freight and animals.

(2) "Motor carrier" means and includes a natural person, individual, partnership, firm, association, or private or public corporation, which is engaged in interstate commerce and which operates or causes to be operated on any highway in this state any commercial motor vehicle.

(3) "Operations", when applied to a motor carrier, means operations of all commercial motor vehicles, whether loaded or empty, whether for compensation or not for compensation, and whether owned by or leased to the motor carrier who operates them or causes them to be operated into or out of or through this state.

(4) "Motor vehicle fuel" means gasoline or any other inflammable liquids, by whatsoever name such

liquid may be known or sold, the use of which is as fuel for the propulsion of commercial motor vehicles except fuel as defined in chapter 82.40 RCW.

(5) "Use" means and includes the consumption of motor vehicle fuel by any motor carrier in a commercial motor vehicle for the propulsion thereof upon the public highways of this state.

(6) "Motor vehicle fuel importer for use" means and includes any motor carrier importing motor vehicle fuel into this state in the fuel supply tank or tanks of any commercial motor vehicle for use in propelling said vehicle upon the highways of this state.

(7) "Public highways" means and includes every way, lane, road, street, boulevard, and every way or place open as a matter of right to public vehicular travel both inside and outside the limits of cities and towns.

(8) "Director" means the director of licenses.

SEC. 2. Section 6, chapter 22, Laws of 1963 extraordinary session and RCW 82.37.060 are each amended to read as follows:

RCW 82.37.060 amended.

The tax imposed hereunder, with respect to which tax liability hereunder accrues, shall be collected by the assessment of tax through periodic audit examination of the carrier's records, pursuant to the provisions of RCW 82.37.080: *Provided*, That the tax imposed hereunder, with respect to which tax liability hereunder accrues, may be paid by the motor carrier before such time of audit, as provided by the provisions of RCW 82.37.040. The tax shall be computed and paid, multiplied by the tax rate imposed hereunder, on the total number of gallons of motor vehicle fuel used by such motor carrier within this state during the taxable period of the carrier's operations on the public highways of this state.

Computation and collection of tax—Credit for fuel purchased in Washington.

Every motor carrier subject to the tax shall be entitled to deduct from the total number of gallons

Motor vehicle fuel importer use tax. Computation and collection of tax—Credit for fuel purchased in Washington.

of motor vehicle fuel used in Washington, to determine the number of gallons of motor vehicle fuel upon which the tax levied by this chapter is to be computed and paid, the number of gallons of motor vehicle fuel shown to have been purchased or received in Washington for use in its operations either within or without this state on which the tax levied by chapter 82.36 RCW has been paid by such carrier to this state. Evidence of the payment of such tax in such form as may be required by, or is satisfactory to, the director shall be furnished by each such carrier taking the deduction herein allowed.

When the amount of the credit herein provided to which any motor carrier is entitled for the month or months that the report covers exceeds the amount of the tax for which such carrier is liable for the same month or months, such excess may under regulations of the director be allowed as a credit on the tax for which such carrier would be otherwise liable for another month or months that a report covers; or upon application within five years from the last day of the month in which the fuel was used, duly verified and presented, in accordance with regulations promulgated by the director and supported by such evidence as may be satisfactory to the director, such excess may be refunded pursuant to the provisions of section 3 of this amendatory act.

RCW 82.37.140 amended.

SEC. 3. Section 14, chapter 22, Laws of 1963 extraordinary session and RCW 82.37.140 are each amended to read as follows:

Exported fuel —Refund procedure.

Every motor carrier subject to the tax hereby imposed who has paid any tax on motor vehicle fuel levied or directed to be paid by chapter 82.36 RCW, either directly by the collection of the tax by the vendor from the consumer, or indirectly by adding the amount of the tax to the price of the fuel and paid by the consumer, shall be reimbursed and repaid the amount of such tax paid by him, if such motor car-

rier has purchased and exported such fuel in the fuel supply tank or tanks of a commercial motor vehicle and has used such fuel to operate said vehicle upon the highways of another state. Motor vehicle fuel carried from this state in the fuel supply tank or tanks of a commercial motor vehicle is deemed to be exported from this state. The refund rate shall be the current rate per gallon of the then current motor vehicle fuel tax of this state.

Any motor carrier claiming a refund for motor vehicle fuel exported as in this section provided shall not be entitled to receive such refund until he presents to the director a claim upon forms to be provided by the director with such information as the director shall require, which claim in all cases shall be made over the signature of the claimant, and shall state the total amount of such fuel for which he is entitled to be reimbursed under this section.

The director or his duly appointed representative shall have the right, in order to establish the validity of any claim for refund, as provided herein, to examine the books and records of such claimant. The records must be sufficient in scope and detail to substantiate the accuracy of the claim, and the director or his duly appointed representative shall have full authority to determine the adequacy of such records and books and the amount of the refund due the claimant from the taxes collected on motor vehicle fuel.

All claims for refunds based upon exportation of motor vehicle fuel from this state in the fuel supply tank or tanks of a commercial motor vehicle must be filed with the director before the expiration of five years from the last day of the month in which the fuel was used.

SEC. 4. Section 15, chapter 22, Laws of 1963 extraordinary session and RCW 82.37.150 are each amended to read as follows:

RCW 82.37.150
amended.

Motor vehicle fuel importer use tax. Records required of motor carriers.

Each motor carrier under this chapter shall make and retain for a period of five years records of gallons of motor vehicle fuel purchased or received, mileage traveled within and without this state, commercial motors vehicles owned, operated, leased, or operated under any other form of contract, and other pertinent papers that are reasonably necessary to substantiate any such tax liability imposed by this chapter.

Each motor carrier under this chapter shall be required to retain for five years all original purchase or sales invoices reflecting purchases of motor vehicle fuels in this state, and such invoices shall be identified by the name and station address of the seller, stamped or credit card with credit card imprint and showing the date of sale, the name and address of the purchaser, the company unit number or motor vehicle license number of the power unit, the type or kind of fuel sold, the number of gallons sold, and the signature of the purchaser.

New section.

SEC. 5. There is added to chapter 22, Laws of 1963 extraordinary session and chapter 82.37 RCW a new section to read as follows:

Erroneous payments—Refund procedure—Waiver.

If the director determines any amount of tax has been paid more than once or has been erroneously or illegally collected, or where there is an erroneous payment involving or resulting from mere clerical error on the part of the motor carrier in making such report, he shall credit such amount against any amounts then due from the carrier under this chapter and shall credit any balance to the carrier to be allowed as a credit on the tax for which such carrier would be otherwise liable for another month or months that a report covers. A motor carrier upon application may be allowed refund of any credit balance, but no such refund shall be allowed unless such carrier presents to the director a claim upon forms to be provided by the director with such information as the director shall require filed with the director

within five years from the date of overpayment. Every such claim shall be signed by the person claiming the refund.

Failure to file such claim within the time prescribed in this section shall constitute waiver of any and all demands against this state on account of overpayments hereunder.

Passed the House March 8, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 68.

[House Bill No. 278.]

MOTOR VEHICLE DEALERS' LICENSING.

AN ACT relating to motor vehicles and regulating the licensing of motor vehicle dealers; amending section 46.70.010, chapter 12, Laws of 1961 as amended by section 1, chapter 48, Laws of 1961 and RCW 46.70.010; amending sections 46.70.020, 46.70.040 and 46.70.100, chapter 12, Laws of 1961 and RCW 46.70.020, 46.70.040 and 46.70.100; adding a new section to chapter 12, Laws of 1961 and to chapter 46.70 RCW; and providing penalties.

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

SECTION 1. Section 46.70.010, chapter 12, Laws of 1961 as amended by section 1, chapter 48, Laws of 1961 and RCW 46.70.010 are each amended to read as follows:

RCW 46.70.010 amended.

“Dealer” as defined in this title shall mean any person in the business of buying, selling, exchanging, offering for sale or acting as a broker of new or used motor vehicles, trailers, or motorcycles.

Motor vehicle dealer's license. “Dealer” defined—“Sign” defined.

“Sign” as used in this chapter is any means of display which identifies the place of business, and must prominently feature the name under which the business is conducted.

RCW 46.70.020 amended.

SEC. 2. Section 46.70.020, chapter 12, Laws of 1961 and RCW 46.70.020 are each amended to read as follows:

Motor vehicle dealer's license. Requisites to carry on business as dealer.

It shall be unlawful for any person to carry on or conduct business as a dealer unless he shall have:

- (1) Applied for and received from the director a license to do so;
- (2) An established place of business which is occupied or is to be occupied for the purpose of conducting business as a dealer, at which is kept and maintained the books, records and files of the business;
- (3) An office and display area identified by a sign; and
- (4) Shall allow representatives or agents of the director of licenses access to all books, records, and files for the purpose of inspection during normal business hours.

RCW 46.70.040 amended.

SEC. 3. Section 46.70.040, chapter 12, Laws of 1961 and RCW 46.70.040 are each amended to read as follows:

Application—Contents.

Applications for a dealer's license shall be made upon the form prescribed by the department and shall contain:

- (1) The name under which the business is to be conducted and the address of its established place of business;
- (2) The name and address of owner, or if partnership, name and address of each partner. If owner is a corporation, the names of principal officers and their addresses, and if the corporation is not incorporated under the laws of this state, the name of the state in which it is incorporated, and the name of its resident officers;
- (3) The make of vehicles for which enfranchised, if any;
- (4) Whether or not used vehicles will be sold;

(5) A certificate to the effect that the applicant is a bona fide dealer as defined in this chapter having an established place of business at the address shown on the application and that the books, records, and files of the business are kept thereat, which certificate shall be signed by the chief of police or his deputy in cities having a population of five thousand persons or more, otherwise by a member of the Washington state patrol;

(6) Whether or not a previous dealer's license has been denied, suspended, or revoked; and

(7) Such other information as may be required by the department.

Every such application shall be accompanied by the fee required by law.

SEC. 4. Section 46.70.100, chapter 12, Laws of 1961 and RCW 46.70.100 are each amended to read as follows:

RCW 46.70.100 amended.

The director may refuse to issue a dealer license, or may suspend or revoke a dealer license whenever he has reason to believe that such dealer has:

Refusal, suspension, revocation of license—
Grounds.

(1) Forged the signature of the registered or legal owner on a certificate of title;

(2) Sold or disposed of a vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(3) Wilfully misrepresented any material facts in the applications for a vehicle dealer's license, certificate of registration or certificate of title;

(4) Wilfully failed to deliver to a purchaser a certificate of title to the car sold; and/or

(5) Suffered or permitted the cancellation of the bond or the exhaustion of the penalty thereof;

(6) Been convicted of, or has suffered a judgment to be taken against him, in any action in which fraud or misrepresentation is an element;

(7) Failed to comply with the requirements of chapter 46.70 with reference to notices, or reports of

Motor vehicle
dealer's
license.

transfers of vehicles, or the maintenance of records, or has caused or suffered or is permitting the unlawful use of the certificate or registration plates.

New section.

SEC. 5. There is added to chapter 12, Laws of 1961 and chapter 46.70 RCW a new section to read as follows:

Violations—
Misdemeanor.

It shall be a misdemeanor for any person to violate any of the provisions of this chapter and the rules and regulations promulgated as provided under this chapter.

Passed the House March 11, 1965.

Passed the Senate March 11, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 69.

[House Bill No. 304.]

AGRICULTURAL PRODUCTS—COMMISSION MERCHANTS
—SALE AT WHOLESALE.

AN ACT relating to agricultural products; and adding a new section to chapter 139, Laws of 1959 and to chapter 20.01 RCW.

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

New section.

SECTION 1. There is added to chapter 139, Laws of 1959 and to chapter 20.01 RCW a new section to read as follows:

Commission
merchants.
Certain sales
by retail mer-
chants as sales
at wholesale.

For the purpose of this chapter any sale of hay, grain, or straw by a retail merchant which has not been received and warehoused for sale at retail in the retail merchants fixed place of business, including but not limited to any such sale of hay, grain, or straw delivered directly from the producer to the user, shall be considered a sale at wholesale.

Passed the House March 5, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 70.

[House Bill No. 315.]

PSYCHOLOGISTS.

AN ACT relating to psychologists; amending section 1, chapter 305, Laws of 1955 and RCW 18.83.010; amending section 2, chapter 305, Laws of 1955 and RCW 18.83.020; amending section 3, chapter 305, Laws of 1955 and RCW 18.83.030; amending section 4, chapter 305, Laws of 1955 and RCW 18.83.040; amending section 5, chapter 305, Laws of 1955 and RCW 18.83.050; amending section 6, chapter 305, Laws of 1955 and RCW 18.83.060; amending section 7, chapter 305, Laws of 1955 and RCW 18.83.070; amending section 8, chapter 305, Laws of 1955 and RCW 18.83.080; amending section 9, chapter 305, Laws of 1955 and RCW 18.83.090; amending section 10, chapter 305, Laws of 1955 and RCW 18.83.100; amending section 11, chapter 305, Laws of 1955 and RCW 18.83.110; amending section 13, chapter 305, Laws of 1955 and RCW 18.83.120; amending section 12, chapter 305, Laws of 1955 and RCW 18.83.130; amending section 14, chapter 305, Laws of 1955 and RCW 18.83.140; amending section 15, chapter 305, Laws of 1955 and RCW 18.83.150; amending section 16, chapter 305, Laws of 1955 and RCW 18.83.160; amending section 17, chapter 305, Laws of 1955 and RCW 18.83.170; amending section 18, chapter 305, Laws of 1955 and RCW 18.83.180; adding new sections to chapter 305, Laws of 1955 and to chapter 18.83 RCW; and defining crimes and providing penalties.

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

SECTION 1. Section 1, chapter 305, Laws of 1955 and RCW 18.83.010 are each amended to read as follows:

RCW 18.83.010 amended.

When used in this chapter:

Psychologists.
Definitions.

(1) The "practice of psychology" means the application of established principles of learning, motivation, perception, thinking and emotional relationships to problems of evaluation, group relations and behavior adjustment, including but not limited to: (a) counseling and guidance; (b) use of psychotherapeutic techniques with clients who have adjustment problems in the family, at school, at work or in inter-

Psychologists.
Definitions.

personal relationships; (c) measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes and skills.

This definition does not include the teaching of principles of psychology for accredited educational institutions, or the conduct of research in problems of human or animal behavior.

Nothing in this definition shall be construed as permitting the administration or prescribing of drugs or in any way infringing upon the practice of medicine and surgery as defined in chapter 18.71 RCW.

(2) "Director" means director of licenses.

(3) "Board" means the board of psychologist examiners created by this chapter.

RCW 18.83.020
amended.

SEC. 2. Section 2, chapter 305, Laws of 1955 and RCW 18.83.020 are each amended to read as follows:

License
required.

(1) To safeguard the people of the state of Washington from the dangers of unqualified and improper practice of psychology, it shall be unlawful for any person unless exempted from the provisions of this chapter, to represent himself to be a psychologist without first obtaining a license as provided in this chapter.

(2) A person represents himself to be a psychologist when he adopts or uses any title or any description of services which incorporates one or more of the following terms: "psychology," "psychological," "psychologist," or any term of like import.

RCW 18.83.030
amended.

SEC. 3. Section 3, chapter 305, Laws of 1955 and RCW 18.83.030 are each amended to read as follows:

Examining
board.

There is hereby created an examining board of psychology, hereinafter referred to as the board, which shall be charged with the duty of examining the qualifications of applicants for licensing. The board shall consist of five persons appointed by the director. Each member of the board shall be a citizen of the United States, over twenty-one years of age who shall have actively practiced or taught psycho-

logy in the state of Washington, for at least three years immediately preceding his appointment, and who is, in the case of the first members of the board, entitled to licensing under this chapter. The director shall appoint the board within thirty days after the effective date of this chapter. At the first meeting of the board the members shall determine by lot one member to serve for three years, two members to serve for two years and two members to serve one year. Upon the expiration of each member's term, the governor shall appoint a licensed psychologist as successor who shall serve for a term of three years. Upon the death, resignation, or removal of a member, the governor shall appoint a successor to serve for the unexpired term. The board shall elect one of its members to serve as chairman.

SEC. 4. Section 4, chapter 305, Laws of 1955 and RCW 18.83.040 are each amended to read as follows:

RCW 18.83.040
amended.

The first meeting of the board shall be held within thirty days after the appointment of the board at a specific time and place designated by the director. Thereafter the board shall meet at least once a year and at as many other times as the board deems appropriate to properly discharge its duties. All meetings shall be held in Olympia, Washington, or at such other place as may be designated by the director. Three members of the board shall constitute a quorum.

—Meetings—
Quorum.

SEC. 5. Section 5, chapter 305, Laws of 1955 and RCW 18.83.050 are each amended to read as follows:

RCW 18.83.050
amended.

It shall be the duty of the board to:

—Powers
and duties.

(1) Examine the qualifications of applicants for licensing under this chapter, to determine which applicants are eligible for licensing hereunder and forward to the director the names of applicants so eligible.

(2) Prepare, give and grade such examinations

Psychologists.
Examining
board. Powers
and duties.

to applicants as are required by the terms of this chapter. The board shall determine the scope and length of such examinations, and what score shall be deemed a passing score. Such examination shall be oral and written. The board may designate one or more of its members to personally supervise the taking of the examinations by applicants.

(3) Keep a complete record of its own proceedings, of the questions given in examinations, of the names and qualifications of all applicants, the names and addresses of all licensed psychologists. The examination paper of such applicant shall be kept on file for a period of at least one year after examination.

RCW 18.83.060
amended.

SEC. 6. Section 6, chapter 305, Laws of 1955 and RCW 18.83.060 are each amended to read as follows:

Application for
a license—Fee.

Each applicant for a license shall file with the director an application duly verified, in such form and setting forth such information as the board shall prescribe. An application fee in the sum of forty dollars shall accompany each application.

RCW 18.83.070
amended.

SEC. 7. Section 7, chapter 305, Laws of 1955 and RCW 18.83.070 are each amended to read as follows:

Applicants—
Qualifications
—Examination.

An applicant for a license as “psychologist” must submit proof to the board that:

(1) He is of good moral character.

(2) He holds a doctoral degree from an accredited institution of higher learning with an adequate major in psychology as determined by the board and has had at least one year experience practicing psychology under qualified supervision after receiving such degree.

(3) He is professionally competent by passing an examination in psychology prescribed by the board and covering the basic subject matter of psychology and psychological skills and techniques: *Provided*, That persons who have not previously failed an ex-

amination hereunder or been denied a certificate by the board and who are holding a doctoral or master's degree from an accredited institution of higher learning with an adequate major in psychology as determined by the board and who have practiced psychology for a period of five years or its equivalent in part time employment, at least three years of which shall have been in the state of Washington prior to the date of application and who submit to the board proof of good moral character shall be granted the title of "psychologist" and shall receive a license hereunder without taking any examination, if such persons apply for such license within one year after the effective date of this amendatory act of 1965.

SEC. 8. Section 8, chapter 305, Laws of 1955 and RCW 18.83.080 are each amended to read as follows:

RCW 18.83.080
amended.

Upon forwarding to the director by the board of the name of each applicant entitled to a license under this chapter, the director shall promptly issue to such applicant a license authorizing such applicant to use the title "psychologist" for a period of one year. Said license shall be in such form as the director shall determine. Each licensed psychologist shall keep his license displayed in a conspicuous place in his principal place of business.

Licenses. Issu-
ance—Display.

SEC. 9. Section 9, chapter 305, Laws of 1955 and RCW 18.83.090 are each amended to read as follows:

RCW 18.83.090
amended.

Each licensed psychologist may renew his license by paying to the state treasurer, on or before the tenth day of January of each year, a renewal fee in the amount of ten dollars. Upon receipt of such payment by the state treasurer the director shall issue a certificate of renewal in such form as the director shall determine.

—Renewal—
Fee.

SEC. 10. Section 10, chapter 305, Laws of 1955 and RCW 18.83.100 are each amended to read as follows:

RCW 18.83.100
amended.

Failure to renew a license as herein provided

Psychologists.
Licenses. Failure to renew,
effect—
Reinstatement.

shall suspend such license: *Provided*, That a license holder whose license has been suspended for failure to renew may reinstate such license by paying to the state treasurer the renewal fees for all of the years in which such failure occurred, together with a renewal fee for the current year, but not to exceed five years. However, no renewal license shall be issued after one year from the expiration of the last valid license unless the board shall find that the applicant has not violated any provision of this chapter since his license was suspended.

RCW 18.83.110
amended.

SEC. 11. Section 11, chapter 305, Laws of 1955 and RCW 18.83.110 are each amended to read as follows:

Privileged
communications.

Confidential communications between a client and a psychologist shall be privileged against compulsory disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client.

RCW 18.83.120
amended.

SEC. 12. Section 13, chapter 305, Laws of 1955 and RCW 18.83.120 are each amended to read as follows:

Unethical
practice
defined.

Within the meaning of this chapter unethical practice of psychology shall include the following:

- (1) Wilfully misleading a client or furnishing a client with information known to be erroneous.
- (2) The offering of any psychological services entirely by mail, the use of untrained personnel or of mechanical devices alone in the interpretation of test results, the indiscriminate dissemination of psychological testing materials.
- (3) The employment of psychological techniques for entertainment, or other purposes not consistent with the development of psychology as a science.
- (4) Engaging in individual psychological diagnosis or treatment in the course of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, or similar media.
- (5) Representing himself as a psychologist un-

der any name, except his own, which shall be that used in his license issued by the director.

(6) Conducting an office for the practice of psychology in his name or use his name in connection with any office for the practice of psychology, unless he is personally present therein functioning as a psychologist or personally overseeing the functions performed in any office during most of the time that office is being operated.

(7) Employing a solicitor or solicitors to obtain business.

(8) Advertising individual psychological diagnosis or treatment 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, stereopticon slide, motion pictures, television, or any printed publication or medium: *Provided*, 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 psychologist, and the type of psychological activity, and may use dignified business cards containing his name, title, degree, and the type of psychological activity, office and residence address and telephone numbers and his office hours.

(9) Obtaining any fee by fraud or misrepresentation.

(10) Wilfully betraying professional secrets.

(11) Adopting 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.

(12) Obtaining by fraud or deceit a license as psychologist.

Psychologists.
Unethical
practice
defined.

(13) Advertising the rendition of individual psychological diagnosis or treatment at a stipulated price or any variation of such price or as being free.

(14) Violating the provisions of chapter 19.68 RCW.

(15) Being guilty of unprofessional conduct as defined in any other act relating to the practice of psychology.

(16) All advertising of any psychological practice which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons and so be harmful or injurious to public morals or safety.

(17) Repeating acts of immorality, or repeating acts of gross misconduct in the practice of psychology.

RCW 18.83.130
amended.

SEC. 13. Section 12, chapter 305, Laws of 1955 and RCW 18.83.130 are each amended to read as follows:

Denial, sus-
pension, revo-
cation of
license.
Grounds.

The director shall refuse to grant a license to any applicant and shall revoke or suspend any license upon proof of the following:

- (1) Conviction of crime involving moral turpitude;
- (2) Habitual use of narcotics, or any other substance which impairs the intellect and judgment to such an extent as to incapacitate the applicant or license holder for the practice of psychology;
- (3) Habitual drunkenness;
- (4) Violation of the provisions of this chapter;
- (5) The unethical practice of psychology.

RCW 18.83.140
amended.

SEC. 14. Section 14, chapter 305, Laws of 1955 and RCW 18.83.140 are each amended to read as follows:

—Manner.

Licenses issued pursuant to this chapter may be suspended or revoked in the manner provided in RCW 43.24.110.

SEC. 15. Section 15, chapter 305, Laws of 1955 and RCW 18.83.150 are each amended to read as follows:

RCW 18.83.150 amended.

In all proceedings having for their purpose the revocation or suspension of a license, 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 said accused person is charged, and said notice shall also give the day and place where the hearing is to be held, which place of hearing shall be in the city of Olympia, Washington, unless a different place shall be fixed by the director. The director 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 defense and may have issued such subpoenas as he may desire. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath administered by the director. Testimony should be taken in writing and may be taken by deposition under such rules as the director may prescribe. The committee appointed pursuant to RCW 43.24.110, shall hear and determine the charges and shall make findings and conclusions on the evidence produced and shall file the same in the director's office, together with a transcript of all evidence, a duplicate copy of which shall be served upon the accused. The revocation or suspension of the license shall be in writing, signed by the director, stating the ground upon which such order is based.

—Hearings, procedure.

SEC. 16. Section 16, chapter 305, Laws of 1955 and RCW 18.83.160 are each amended to read as follows:

RCW 18.83.160 amended.

Any person feeling himself aggrieved by the refusal of the director to issue a license as provided in

—Appeal.

Psychologists.
Denial, sus-
pension, revo-
cation of
license.
Appeal.

this chapter, or to renew the same, or by the revoca-
tion or suspension of a license issued pursuant to the
provisions of this chapter, shall have the right to
appeal from such order within fifteen days after a
copy of such order is served upon him to the supe-
rior court of any county, which court shall hear such
matter de novo, and appeal shall lie to the supreme
court of the state from the judgment of the said su-
perior court in the same manner as provided by law
in other civil cases.

RCW 18.83.170
amended.

SEC. 17. Section 17, chapter 305, Laws of 1955
and RCW 18.83.170 are each amended to read as
follows:

Reciprocity.

Upon application accompanied by a fee of forty
dollars, the board may recommend and the director
shall be empowered to grant a license, without writ-
ten or oral examination, to any applicant who has
not previously failed any examination held by the
board of psychology of the state of Washington and
furnishes evidence satisfactory to the board that he:

- (1) Holds a doctoral degree with primary em-
phasis on psychology from an accredited college or
university; and
- (2) Is licensed or certified to practice psychology
in another state in which the requirements for such
licensing or certification are, in the judgment of the
board, essentially equivalent to those required by
this chapter and the rules and regulations of the
board. Such individuals must have been licensed
or certified in another state for a period of at least
two years; or
- (3) Is a diplomat in good standing of the Amer-
ican Board of Examiners in Professional Psychology.

RCW 18.83.180
amended.

SEC. 18. Section 18, chapter 305, Laws of 1955
and RCW 18.83.180 are each amended to read as
follows:

It shall be a misdemeanor for any person to:

Violations—
Misdemeanors.

(1) Use in connection with his or her name any designation tending to imply that he or she is a licensed psychologist unless duly licensed under or specifically excluded from the provisions of this chapter;

(2) Practice as a licensed psychologist during the time his or her license issued under the provisions of this chapter is suspended or revoked.

SEC. 19. There is added to chapter 305, Laws of 1955 and to chapter 18.83 RCW a new section to read as follows: New section.

This chapter shall not apply to:

Exemptions.

(1) Any person teaching, lecturing, consulting, or engaging in research in psychology but only insofar as such activities are performed as a part of or are dependent upon a position in a college or university in the state of Washington.

(2) Any person who holds a valid school psychologist credential from the Washington state board of education but only when such a person is practicing psychology in the course of his employment.

(3) Any person employed by a local, state, or federal government agency whose psychologists must qualify for employment under federal or state certification or civil service regulations; but only at those times when that person is carrying out the functions of his employment.

(4) Any person who must qualify under the employment requirements of a business or industry and who is employed by a business or industry which is not engaged in offering psychological services to the public, but only when such person is carrying out the functions of his employment: *Provided*, That no person exempt from licensing under this subsection shall engage in the clinical practice of psychology.

Psychologists.
Licensing.
Exemptions.

(5) Any person who is a student of psychology, psychological intern, or resident in psychology preparing for the profession of psychology under supervision in a training institution or facilities and who is designated by the title such as "psychological trainee," "psychology student," which thereby indicates his training status.

(6) Any person who has received a doctoral degree from an accredited institution of higher learning with an adequate major in sociology or social psychology as determined by the board and who has passed comprehensive examinations in the field of social psychology as part of the requirements for the doctoral degree. Such persons may use the title "social psychologist" provided that they file a statement of their education with the board.

New section.

SEC. 20. There is added to chapter 305, Laws of 1955 and to chapter 18.83 RCW a new section to read as follows:

Examinations
—Where—
When—Re-
examination.

(1) Examination of applicants shall be held in Olympia, Washington, or at such other place as designated by the director, at least annually at such times as the board may determine.

(2) Any applicant shall have the right to discuss with the board his performance on the examination.

(3) Any applicant who fails to make a passing grade on the examination may be allowed to take the examination a second time. Any applicant who fails the examination a second time must obtain special permission from the board to take the examination again.

New section.

SEC. 21. There is added to chapter 305, Laws of 1955 and to chapter 18.83 RCW a new section to read as follows:

Account cre-
ated—Board
per diem, etc.,
paid from.

There is hereby created the "state board of psychological examiners' account" within the state general fund. All moneys received under chapter 18.83

RCW by the state treasurer shall be deposited in the "state board of psychological examiners' account" within the state general fund.

Each member of the board shall receive the sum of twenty-five dollars per diem when actually attending to the work of the board or any of its committees and for the time spent in necessary travel; and in addition thereto shall be reimbursed for actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the duties of the board. Any such expenses shall be paid from the "state board of psychological examiners' account" within the general fund, to the extent that the monies are available therein.

SEC. 22. There is added to chapter 305, Laws of 1955 and to chapter 18.83 RCW a new section to read as follows: New section.

The board may issue certificates of qualification with appropriate title to applicants who meet all the licensing requirements except the possession of the degree of Doctor of Philosophy or its equivalent in psychology from an accredited educational institution. These certificates of qualification certify that the holder has been examined by the board and is deemed competent to perform certain functions within the practice of psychology under the periodic direct supervision of a psychologist licensed by the board. Such functions will be specified on the certificate issued by the board. Such applicant shall pay to the board of examiners a fee not to exceed twenty-five dollars for certification in a single area of qualification and a fee for amendment of the certificate to include each additional area of qualification. Upon petition by a holder the board of examiners may grant authority to function without immediate supervision. Certificates of qualification—
Requisites for
—Fees.

New section.

SEC. 23. There is added to chapter 305, Laws of 1955 and to chapter 18.83 RCW a new section to read as follows:

Psychologists. "Certified psychologists" to be issued license—Qualifications for—Fees—Temporary permit.

(1) All "certified psychologists" who are certified under the provisions of chapter 18.83 RCW shall be promptly issued a license by the director. The fee for this license shall be determined by the director but shall not exceed twenty dollars.

(2) The words "certification" and "licensing" shall be known as interchangeable terms in this chapter.

(3) A valid receipt for an initial application for license hereunder, provided the applicant meets the requirements of sections 1 and 2 of RCW 18.83.070, shall constitute a temporary permit to practice psychology until the board of examiners completes action on the application. The board must complete action within one year of the date such receipt is issued.

(4) A person, not licensed in this state, who wishes to perform practices under the provisions of this chapter for a period not to exceed ninety days within a calendar year, must petition the board for a temporary permit to perform such practices. If the person is licensed or certified in another state deemed by the board to have standards equivalent to this chapter, a permit may be issued. No fee shall be charged for such temporary permit.

New section.

SEC. 24. There is added to chapter 305, Laws of 1955 and to chapter 18.83 RCW a new section to read as follows:

Injunctive relief.

If any person represents himself to be a psychologist, unless exempted from the provisions of this chapter without possessing a valid license, certificated qualification, or a temporary permit to do so, or if he violates any of the provisions of this act 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 representing himself as a psychologist. 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. 25. Nothing in this act shall be construed as prohibiting any individual from offering counseling or guidance provided that such individuals do not hold themselves forth as psychologists.

Counseling permissible.

SEC. 26. If any provision of this 1965 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the 1965 amendatory act, or the application of the provision to other persons or circumstances is not affected.

Severability.

Passed the House March 10, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 71.

[House Bill No. 371.]

SEWER DISTRICT CONTRACTS.

AN ACT relating to sewer district contracts; authorizing the use of bid bonds; and amending section 44, chapter 210, Laws of 1941 and RCW 56.08.070.

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

SECTION 1. Section 44, chapter 210, Laws of 1941 and RCW 56.08.070 are each amended to read as follows:

RCW 56.08.070 amended.

All materials purchased and work ordered, the estimated cost of which is in excess of two thousand five hundred dollars shall be let by contract. Before

Sewer districts - Contract for labor and materials.

Sewer districts
 —Contracts for
 labor and ma-
 terials—Call
 for bids—Bid
 proposal
 deposit—
 Award of
 contract.

awarding any such contract the board of sewer commissioners shall cause to be published in some newspaper in general circulation throughout the county where the district is located at least once, ten days before the letting of such contract, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of sewer commissioners subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of sewer commissioners on or before the day and hour named therein. Each bid shall be accompanied by a bid proposal deposit in the form of a certified check, cashier's check, postal money order, or surety bond payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid and no bid shall be considered unless accompanied by such bid proposal deposit. At the time and place named such bids shall be publicly opened and read and the board of sewer commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications: *Provided*, That no contract shall be let in excess of the cost of said materials or work, or if in the opinion of the board of sewer commissioners all bids are unsatisfactory they may reject all of them and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders. If such contract be let, then and in such case all checks, cash or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the board of sewer commissioners in the full amount of the contract price between the bidder and the commission

in accordance with bid. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said check, cash or bid bonds and the amount thereof shall be forfeited to the sewer district.

Passed the House March 10, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 72.

[House Bill No. 372.]

WATER DISTRICT CONTRACTS.

AN ACT relating to water district contracts; authorizing the use of bid bonds; and amending section 21, chapter 114, Laws of 1929 as amended by section 2, chapter 216, Laws of 1947 and RCW 57.08.050.

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

SECTION 1. Section 21, chapter 114, Laws of 1929 as amended by section 2, chapter 216, Laws of 1947 and RCW 57.08.050 are each amended to read as follows:

RCW 57.08.050 amended.

The board of water commissioners shall have authority to create and fill such positions and fix salaries and bonds thereof as it may by resolution provide. All materials purchased and work ordered, the estimated cost of which is in excess of two thousand five hundred dollars shall be let by contract; but before awarding any such contract the board of water commissioners shall cause to be published in some newspaper in general circulation throughout the county where the district is located at least once ten days before the letting of such contract, inviting sealed proposals for such work, plans and specifications

Water districts
—Contracts for materials and work—Notice
—Bid proposal deposit—Bids.

Water districts
—Contracts for
materials and
work—Notice
—Bid proposal
deposit—Bids.

which must at the time of publication of such notice be on file in the office of the board of water commissioners subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of water commissioners on or before the day and hour named therein. Each bid shall be accompanied by a certified or cashier's check or postal money order payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid, or accompanied by a bid bond in an amount not less than five percent of the bid with a corporate surety licensed to do business in the state, conditioned that the bidder will pay the district as liquidated damages the amount specified in the bond, unless he enters into a contract in accordance with his bid, and no bid shall be considered unless accompanied by such check, cash or bid bond. At the time and place named such bids shall be publicly opened and read and the board of water commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file or to the best bidder submitting his own plans and specifications: *Provided*, That no contract shall be let in excess of the cost of said materials or work, or if in the opinion of the board of water commissioners all bids are unsatisfactory they may reject all of them and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders; but if such contract be let, then and in such case all checks, cash or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the board of water commissioners in the full amount of the contract price between the

bidder and the commission in accordance with the bid. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said check, cash or bid bonds and the amount thereof shall be forfeited to the water district: *Provided*, That if the bidder fails to enter into a contract in accordance with his bid, and the board of water commissioners deems it necessary to take legal action to collect on any bid bond required herein, then, in such event, the water district shall be entitled to collect from said bidder any legal expenses, including reasonable attorneys' fees occasioned thereby.

Passed the House March 10, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 73.

[House Bill No. 474.]

STATE INSTITUTIONS—USE OF MARGARINE, BUTTER AND MILK SUBSTITUTES.

AN ACT relating to dairies and dairy products; permitting the use of margarine in state institutions; and amending section 15.32.370, chapter 11, Laws of 1961 and RCW 15.32-.370, and declaring an emergency.

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

SECTION 1. Section 15.32.370, chapter 11, Laws of 1961 and RCW 15.32.370 are each amended to read as follows:

No margarine, substitute butter, renovated butter, or any other substance designed as an imitation of or substitute for butter or any condensed milk from which the butter fat has been removed and a

RCW 15.32.370
amended.

Butter, milk
substitutes—
Use in state
institutions
prohibited—
Exception.

Butter, milk
substitutes—
Use in state
institutions
prohibited—
Exception.

vegetable or other oil has been substituted therefor shall be used in any of the educational, charitable hospital, medical, reformatory or penal institutions maintained by the state or which receives from the state any money, appropriation or financial assistance whatsoever: *Provided*, That such institution may use margarine when supplied for distribution by agencies of the United States government.

Emergency.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 11, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 74.

[House Bill No. 479.]

DEEDS OF TRUST.

AN ACT relating to real property and authorizing the use of deeds of trust in security transactions and providing for the foreclosure thereof.

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

Deeds of trust.
"Record", "re-
corded", "re-
fined"—Trustee,
who may be—
Successor
trustee.

SECTION 1. (1) The terms "record" and "recorded" as used in this act, shall include the appropriate registration proceedings, in the instance of registered land.

(2) The trustee of a deed of trust under this act shall be:

(a) Any corporation or association authorized to engage in a trust business in this state; or

(b) Any title insurance company authorized to insure title to real property under the laws of this state; or

(c) Any attorney who is an active member of the Washington state bar association at the time he is named trustee.

(3) In the event of the death, incapacity or disability, or resignation of the trustee, the beneficiary may nominate in writing a successor trustee. Upon recording in the mortgage records of the county or counties in which the trust deed is recorded, of the appointment of a successor trustee, the successor trustee shall be vested with all powers of the original trustee.

SEC. 2. A deed conveying real property to a trustee in trust to secure the performance of an obligation of the grantor or another to the beneficiary may be foreclosed as in this act provided. The county auditor shall record such deed as a mortgage and shall index the name of the grantor as mortgagor and the names of the trustee and beneficiary as mortgagee. No person, corporation or association may be both trustee and beneficiary under the same deed of trust nor may the trustee be an employee, agent or subsidiary of a beneficiary of the same deed of trust.

Deeds treated as mortgages — Trustee may not be beneficiary.

SEC. 3. It shall be requisite, to foreclosure under this act:

Requisites to foreclosure.

(1) That the deed of trust contains a power of sale;

(2) That the deed of trust provides in its terms that the real property conveyed is not used principally for agricultural or farming purposes;

(3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;

(4) That no action is pending on an obligation secured by the deed of trust; and

(5) That the deed of trust has been recorded in

each county in which the land or some part thereof is situated.

Deeds of trust.
Foreclosure,
procedure.

SEC. 4. A deed of trust may be foreclosed in the following manner:

(1) At least one hundred and eighty days before sale, notice thereof shall be recorded by the trustee in the office of the auditor in each county in which the deed of trust is recorded. At least one hundred twenty days prior to sale copies of the notice shall be transmitted by first class and by certified or registered mail to each person who has an interest in or lien or claim of lien against the property or some part thereof, provided such interest, lien or claim is of record at the time the notice is recorded, and provided the address of such person is stated in the recorded instrument evidencing his interest, lien or claim or is otherwise known to the trustee. The copy of the notice shall be transmitted to the address to which such person shall have in writing requested the trustee to transmit the notice and if there has been no such request, to the address appearing in the recorded instrument evidencing his interest, lien or claim, and if there be neither such request nor record address, to the address otherwise known to the trustee. In addition, at least one hundred twenty days prior to sale, a copy of the notice shall be posted in a conspicuous place on said premises; or in lieu of posting, a copy of the notice may be served upon any occupant of said real property in the manner in which a summons is served, said service to be at least one hundred twenty days prior to sale.

(2) The notice aforesaid shall indicate the names of the grantor, trustee and beneficiary of the deed of trust, the description of the property as contained in the deed of trust, the book and page of the book of record wherein the deed of trust is recorded, the default for which the foreclosure is made, the amount

or amounts in arrears if a default is for failure to make payment, the sum owing on the obligation secured by the deed of trust, and the time and place of sale.

(3) A copy of the notice aforesaid shall be published in a legal newspaper in each county in which the property or any part thereof is situated, once weekly during the four weeks preceding the time of sale.

(4) The trustee shall sell the property in gross or in parcels as it shall determine, at the place and during the hours directed by statute for the conduct of sales of real estate at execution, at auction to the highest bidder.

(5) The purchaser shall forthwith pay the price bid and on payment the trustee shall execute to the purchaser its deed; the deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this act and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value.

(6) The sale as authorized under this act shall not take place less than six months from the date of default in the obligation secured.

(7) No sale as authorized under this act shall take place at any time a court action to foreclose a lien or other encumbrance on all or any part of the secured property is pending.

SEC. 5. The deed of the trustee, executed to the purchaser, shall convey the interest in the property which the grantor had or had the power to convey at the time of the execution by him of the deed of trust, and such as he may have thereafter acquired. After sale, as in this act provided, no person shall

Interest conveyed—No redemption rights.

have any right by statute or otherwise to redeem from the deed of trust or from the sale.

Deeds of trust.
Right of possession, when
—Summary proceedings for.

SEC. 6. The purchaser at the trustee's sale shall be entitled to possession of the property on the twentieth day following the sale, as against the grantor under the deed of trust or anyone claiming through him, and shall have a right to the summary proceedings to obtain possession of real property provided in chapter 59.16 RCW.

Trustee not to bid.

SEC. 7. The trustee may not bid at the trustee's sale. Any other person including the beneficiary under the deed of trust may bid at the trustee's sale.

Application of sale proceeds.

SEC. 8. The trustee shall apply the proceeds of the sale as follows:

(1) To the expense of sale, including a reasonable charge by the trustee and by his attorney: *Provided*, That the aggregate of the charges by the trustee and his attorney, for their services in the sale, shall not exceed the amount which would, by the superior court of the county in which the trustee's sale occurred, have been deemed a reasonable attorney fee, had the trust deed been foreclosed as a mortgage in a noncontested action in the said court;

(2) To the obligation secured by the deed of trust; and

(3) The surplus, if any, shall be distributed to the persons entitled thereto.

Discontinuance of sale provisions, how.

SEC. 9. At any time before, but not after the time for sale indicated in the notice of sale, the grantor or his successor in interest in the trust property or any part thereof, or any beneficiary under a subordinate deed of trust or any person having a subordinate lien or encumbrance of record thereon, shall be entitled to cause a discontinuance of the proceedings by curing the default or defaults set forth in the notice, which in the case of a default by failure to

pay, shall be by paying to the trustee a sum sufficient to cure all defaults other than such portion of principal as would not then be due had no default occurred, plus the costs of the trustee incurred and the trustee's fee accrued, which accrued fee shall not exceed fifty dollars. Upon receipt of such payment the proceedings shall be discontinued, the deed of trust shall be reinstated and the obligation shall remain as though no acceleration had taken place.

SEC. 10. Foreclosure, as in this act provided, shall satisfy the obligation secured by the deed of trust foreclosed, regardless of the sale price or fair value, and no deficiency decree or other judgment shall thereafter be obtained on such obligation. Where foreclosure is not made under this act, the beneficiary shall not be precluded from enforcing the security as a mortgage nor from enforcing the obligation by any means provided by law.

Foreclosure herein as sole satisfaction.

SEC. 11. The trustee shall reconvey all or any part of the property covered by the deed of trust to the person entitled thereto on written request of the grantor and the beneficiary, or upon satisfaction of the obligation secured and written request for reconveyance made by the beneficiary or the person entitled thereto.

Reconveyance by trustee, when.

SEC. 12. This act shall not supersede nor repeal any other provision now made by law for the foreclosure of security interests in real property.

Act supplemental.

SEC. 13. Nothing contained in this act shall prejudice the right of the grantor or his successor in interest to restrain, on any proper ground, a threatened sale by the trustee under a deed of trust.

Act not to prejudice proper restraint of threatened sale.

Passed the House March 11, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 75.

[House Bill No. 647.]

MENTAL ILLNESS AND RETARDATION—
PARTICIPATION IN FEDERAL PROGRAMS.

AN ACT relating to mental illness and mental retardation; and authorizing the state to participate in the federal mental retardation facilities and community mental health centers construction act of 1963.

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

Mental illness, retardation. Participation in federal programs authorized.

SECTION 1. The governor is hereby authorized and empowered to take whatever action is necessary to enable the state to participate in the programs set forth in the Mental Retardation Facilities and Community Mental Health Centers Constructon Act of 1963 (Public Law 88-164). (the "federal law" herein) The governor through the designated agency is authorized and empowered to accept and disburse federal grants or federal matching or other funds or donations from any source, when made, granted or donated for a purpose covered by the federal law.

Mental health and mental retardation advisory committee. Members, appointment.

SEC. 2. As a part of the state plan for submission under the federal act, the governor may appoint a mental health and mental retardation advisory council, consisting of at least eleven members, as follows:

- (1) The director of the department of health;
- (2) The director of the department of institutions;
- (3) The director of the department of public assistance;
- (4) The superintendent of public instruction;
- (5) At least seven members to include representatives of nongovernment organizations or groups or citizens concerned with planning, operation or utilization or community mental health and mental retardation centers or other mental health or mental retardation facilities, and to include representatives

of consumers of the services provided by such facilities.

SEC. 3. As designated by the governor, three members appointed under section 2 (5) shall serve for a term of two years from the time of their appointment and four members shall serve for a term of three years. Members appointed in addition to seven in number shall serve for a term of two years from the time of their appointment.

—Members, terms—Vacancies, filling of.

Each member appointed under section 2 (5) shall hold office at the pleasure of the governor, notwithstanding the member's term. Any vacancy shall be filled by appointment by the governor under the provisions of section 2 (5).

SEC. 4. The mental retardation and mental health advisory council shall advise and consult with the governor with respect to:

—Duties.

(1) Programs for the construction of mental retardation facilities and community mental health centers;

(2) The development of rules, regulations, and standards for the operation of such facilities; and

(3) Development and review of plans for mental health and mental retardation.

The advisory council shall have any additional powers assigned to it by the governor necessary to obtain programs to meet the requirement of the federal act.

Passed the House March 8, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 76.

[Senate Bill No. 25.]

STATE COLLEGES—ALLOCATING INCOME FROM GRANTED LANDS.

AN ACT relating to state colleges; allocating the income derived from lands granted for state normal schools purposes to the bond retirement funds of the state colleges; amending section 4, chapter 13, Laws of 1961 extraordinary session and RCW 28.81.085; adding a new section to chapter 14, Laws of 1961 extraordinary session and to chapter 28.81 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 14, Laws of 1961 extraordinary session and to chapter 28.81 RCW a new section to read as follows:

State colleges. Disposition of moneys received from lands, minerals on, set aside for normal school purposes.

All moneys received from the lease or rental of lands set apart by the enabling act for state normal schools purposes; all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel, or other valuable material thereon; and all moneys received as interest on deferred payments on contracts for the sale of such lands, shall from time to time be paid into the state treasury and credited to the Eastern Washington State College, Central Washington State College, and Western Washington State College accounts as herein provided to be expended for capital projects, and bond retirement purposes as set forth in RCW 28.81-.550. Eastern Washington State College, Central Washington State College, and Western Washington State College shall each be credited with one-third of the total amount.

RCW 28.81.085 amended.

SEC. 2. Section 4, chapter 13, Laws of 1961 extraordinary session and RCW 28.81.085 are each amended to read as follows:

Within thirty-five days from the date of collection thereof all general tuition fees of each such college

shall be paid into the state treasury and these together with such normal school fund revenues as provided in section 1 of this amendatory act as are received by the state treasury shall be credited as follows:

Disposition of general tuition fees, normal school fund revenue—Bond payments—Bond retirement funds, etc.

(1) On or before June 30th of each year the board of trustees of each college issuing bonds payable out of its general tuition fees and above described normal school fund revenues shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each college shall be a prior lien and charge against all general tuition fees and above described normal school fund revenues of such college. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington State College bond retirement fund, the Central Washington State College bond retirement fund, or the Western Washington State College bond retirement fund respectively, which funds are hereby created in the state treasury. The amounts deposited in the respective bond retirement funds shall be used exclusively to pay and secure the payment of the principal of and interest on the tuition fee bonds issued by such colleges as authorized by law. If in any twelve month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding general tuition fee and above described normal school fund revenue bonds of its college, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

State colleges.
Disposition of
general tuition
fees, normal
school fund
revenue—Bond
payments—
Bond retire-
ment funds,
etc.

(2) All general tuition fees and above described normal school fund revenue not needed for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of general tuition fee or above described normal school fund revenue bond principal or interest shall be deposited in the Eastern Washington State College capital projects account, the Central Washington State College capital projects account, or the Western Washington State College capital projects account respectively, which accounts are hereby created in the general fund of the state treasury. The sums deposited in the respective capital projects accounts shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law.

Emergency.

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

Passed the Senate March 5, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 77.

[Senate Bill No. 26.]

WASHINGTON STATE UNIVERSITY—
ALLOCATING INCOME FROM GRANTED LANDS.

AN ACT relating to Washington State University; allocating income derived from lands granted for a scientific school or for an agricultural college; and declaring an emergency.

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

SECTION 1. All moneys received from the lease or rental of lands set apart by the enabling act for a scientific school; all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel or other valuable material thereon; and all moneys received as interest on deferred payments on contracts for the sale of such lands shall be deposited in the "Washington State University bond retirement fund" to be expended for the purposes set forth in RCW 28.80.540: *Provided*, That through June 30, 1967, the foregoing moneys shall be deposited directly into the "Washington State University building account."

Washington State University. Disposition of moneys received from lands, minerals on, set aside for scientific school.

SEC. 2. Whenever federal law shall permit, but in no event prior to July 1, 1967, all moneys received from the lease or rental of lands set apart by the enabling act for an agricultural college all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel or other valuable material thereon; and all moneys received as interest on deferred payments on contracts for the sale of such lands shall be deposited in the Washington State University bond retirement fund to be expended for the purposes set forth in RCW 28.80.540.

Disposition of moneys received from lands, minerals on, set aside for agricultural college—Limitations.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety,

Emergency.

the support of state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 5, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 78.

[Senate Bill No. 72.]

NONRESIDENT INSANE, FEEBLE-MINDED, SEXUAL PSYCHOPATHS, AND PSYCHOPATHIC DELINQUENTS.

AN ACT relating to epileptics; and amending sections 72.25.010, 72.25.020, 72.25.030, and 72.25.040, chapter 28, Laws of 1959, and RCW 72.25.010, 72.25.020, 72.25.030, and 72.25.040.

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

RCW 72.25.010 amended.

SECTION 1. Section 72.25.010, chapter 28, Laws of 1959, and RCW 72.25.010 are each amended to read as follows:

Alien, nonresident, insane, feebleminded, sexual psychopaths and psychopathic delinquents. Deportation of —Return of residents.

It shall be the duty of the director of institutions, in cooperation with the United States bureau of immigration and/or the United States department of the interior, to arrange for the deportation of all alien sexual psychopaths, psychopathic delinquents, insane, or feeble-minded who are now confined in, or who may hereafter be committed to, any state hospital for the sexual psychopath, psychopathic delinquent, insane, or feeble-minded in this state; to transport such alien sexual psychopaths, psychopathic delinquents, insane, or feeble-minded to such point or points as may be designated by the United States bureau of immigration or by the United States department of the interior; and to give written permission for the return of any resident of Washington now or hereafter confined in a hospital for the sexual psychopath, psychopathic delinquent, insane, or

feeble-minded in a territory of the United States or in a foreign country.

SEC. 2. Section 72.25.020, chapter 28, Laws of 1959, and RCW 72.25.020 are each amended to read as follows: RCW 72.25.020 amended.

The director shall also return all nonresident sexual psychopaths, psychopathic delinquents, insane, or feeble-minded who are now confined in or who may hereafter be committed to a state hospital for the sexual psychopath, psychopathic delinquent, insane, or feeble-minded in this state to the states or state in which they may have a legal residence. For the purpose of facilitating the return of such persons the director may enter into a reciprocal agreement with any other state for the mutual exchange of sexual psychopaths, psychopathic delinquents, insane, or feeble-minded now confined in or hereafter committed to any hospital for the sexual psychopath, psychopathic delinquent, insane, or feeble-minded in one state whose legal residence is in the other, and he may give written permission for the return of any resident of Washington now or hereafter confined in a hospital for the sexual psychopath, psychopathic delinquent, insane, or feeble-minded in another state. Such residents may be returned directly to the proper Washington state institution without further court proceedings: *Provided*, That if the superintendent of such institution is of the opinion that the returned person is not a sexual psychopath, a psychopathic delinquent, insane, or feeble-minded he may discharge said patient: *Provided further*, That if such superintendent deems such person a sexual psychopath, a psychopathic delinquent, insane, or feeble-minded, he shall file an application for commitment within ninety days of arrival at the Washington institution. Return of non-residents—
Reciprocity—
Expense—
Resident of this state defined.

A person shall be deemed to be a resident of this state within the meaning of this chapter who has

Alien, nonresident, insane, feeble-minded, sexual psychopaths and psychopathic delinquents—
Deportation of—
Return of residents.

maintained his domiciliary residence in this state for a period of one year preceding commitment to a state institution without receiving assistance from any tax supported organization and who has not subsequently acquired a domicile in another state: *Provided*, That any period of time spent by such person while an inmate of a state hospital or state institution or while on parole, escape, or leave of absence therefrom shall not be counted in determining the time of residence in this or another state.

All expenses incurred in returning sexual psychopaths, psychopathic delinquents, insane, or feeble-minded from this to another state may be paid by this state, but the expense of returning residents of this state shall be borne by the state making the return.

RCW 72.25.030 amended.

SEC. 3. Section 72.25.030, chapter 28, Laws of 1959, and RCW 72.25.030 are each amended to read as follows:

Assistance—
Payment of expenses.

For the purpose of carrying out the provisions of this chapter the director may employ all help necessary in arranging for and transporting such alien and nonresident sexual psychopaths, psychopathic delinquents, insane, or feeble-minded, and the cost and expense of providing such assistance, and all expenses incurred in effecting the transportation of such alien and nonresident sexual psychopaths, psychopathic delinquents, insane, or feeble-minded, shall be paid from the funds appropriated for that purpose upon vouchers approved by the department.

RCW 72.25.040 amended.

SEC. 4. Section 72.25.040, chapter 28, Laws of 1959, and RCW 72.25.040 are each amended to read as follows:

Bringing committed person into state without permission as violation—
Penalty.

Any person who shall bring, or in any way aid in bringing into the state of Washington, without having first obtained permission in writing from the director, any person who has previously been com-

mitted to a state institution as a sexual psychopath, a psychopathic delinquent, an insane, or feeble-minded, and who has not been fully discharged therefrom shall be guilty of a gross misdemeanor: *Provided*, That this section shall not apply to an officer, agent, or employee of a common carrier for anything done in the line of duty.

Passed the Senate March 3, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 79.

[Senate Bill No. 90.]

SAFE DEPOSIT BOXES.

AN ACT relating to safe deposit boxes; and repealing sections 1 through 6, chapter 274, Laws of 1957 and RCW 22.28.100 through 22.28.150.

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

SECTION 1. Sections 1 through 6, chapter 274, ^{Repeal.} Laws of 1957 and RCW 22.28.100 through 22.28.150 are each repealed.

Passed the Senate March 4, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 80.

[Senate Bill No. 109.]

FORECLOSURE OF REAL PROPERTY MORTGAGES.

AN ACT relating to foreclosure of real estate mortgages; amending sections 1, 2, and 3, chapter 34, Laws of 1963, and RCW 61.12.093, RCW 61.12.094, and RCW 61.12.095; amending section 8, chapter 53, Laws of 1899, as amended by section 1, chapter 196, Laws of 1961, and RCW 6.24.140; and amending section 16, chapter 53, Laws of 1899, and RCW 6.24.220.

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

RCW 61.12.093 amended.

SECTION 1. Section 1, chapter 34, Laws of 1963 and RCW 61.12.093 are each amended to read as follows:

Foreclosure of real property mortgages. Abandonment of ownership rights by mortgagor may result in loss of redemption rights.

In actions to foreclose mortgages on real property improved by structure or structures, if the court finds that the mortgagor or his successor in interest has abandoned said property for six months or more, the purchaser at the sheriff's sale shall take title in and to such property free from all redemption rights as provided for in RCW 6.24.130 et seq. upon confirmation of the sheriff's sale by the court. Lack of occupancy by, or by authority of, the mortgagor or his successor in interest for a continuous period of six months or more prior to the date of the decree of foreclosure, coupled with failure to make payment upon the mortgage obligation within the said six month period, will be prima facie evidence of abandonment.

RCW 61.12.094 amended.

SEC. 2. Section 2, chapter 34, Laws of 1963 and RCW 61.12.094 are each amended to read as follows:

—Deficiency judgment precluded—Intent to deprive mortgagor of redemption rights must be alleged.

When proceeding under RCW 61.12.093 through 61.12.095 no deficiency judgment shall be allowed. No mortgagee shall deprive any mortgagor, his successors in interest, or any redemptioner of redemption rights by default decree without alleging such

intention in the complaint: *Provided, however,* That such complaint need not be served upon any person who acquired the status of such successor in interest or redemptioner after the recording of lis pendens in such foreclosure action.

SEC. 3. Section 3, chapter 34, Laws of 1963 and RCW 61.12.095 are each amended to read as follows: amended.

RCW 61.12.093 and 61.12.094 shall not apply to property used primarily for agricultural purposes. —Not applicable to agricultural property.

SEC. 4. Section 8, chapter 53, Laws of 1899, as amended by section 1, chapter 196, Laws of 1961 and RCW 6.24.140 are each amended to read as follows: amended.

Unless redemption rights have been precluded pursuant to RCW 61.12.093 et seq., the judgment debtor or his successor in interest, or any redemptioner, may redeem the property at any time within one year after the sale, on paying the amount of the bid, with interest thereon at the rate of eight percent per annum to the time of redemption, together with the amount of any assessment or taxes which the purchaser or his successor in interest may have paid thereon after purchase, and like interest on such amount; and if the purchaser be also a creditor having a lien, by judgment, decree or mortgage, prior to that of the redemptioner, other than the judgment under which such purchase was made, the amount of such lien with interest: *Provided, however,* That whenever there is an execution sale of property pursuant to judgment and decree of foreclosure of any mortgage executed after June 30, 1961, which mortgage declares in its terms that the mortgaged property is not used principally for agricultural or farming purposes, and in which complaint the judgment creditor has expressly waived any right to a deficiency judgment, the period of redemption shall be eight months after the said sale.

Time for redemption, unless precluded —Amount to be paid.

RCW 6.24.220
amended.

Foreclosure of
real property
mortgages.
Sheriff's deed.

SEC. 5. Section 16, chapter 53, Laws of 1899 and RCW 6.24.220 are each amended to read as follows:

In all cases where real estate has been, or may hereafter be sold in pursuance of law by virtue of an execution or other process, issued upon an ordinary money judgment, or by virtue of execution, or other process issued upon a decree for the foreclosure of a mortgage or other lien it shall be the duty of the sheriff or other officer making such sale to execute and deliver to the purchaser, or other person entitled to the same a deed of conveyance of the real estate so sold immediately after the time for redemption from such sale has expired: *Provided*, Such sale has been duly confirmed by order of the court: *And, provided further*, That such deeds shall be issued upon request immediately after the confirmation of sale by the court in those instances where redemption rights have been precluded pursuant to RCW 61.12-.093 et seq. In case the term of office of the sheriff or other officer making such sale shall have expired before a sufficient deed has been executed, then the successor in office of such sheriff shall, within the time specified in this section, execute and deliver to the purchaser or other person entitled to the same a deed of the premises so sold and such deeds shall be as valid and effectual to convey to the grantee the lands or premises so sold, as if the deed had been made by the sheriff or other officer who made the sale.

Passed the Senate March 3, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 81.

[Senate Bill No. 152.]

PORT DISTRICTS—PARK AND RECREATION FACILITIES.

AN ACT relating to port districts and authorizing port district improvement and operation of certain park and recreational facilities.

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

SECTION 1. A port district may construct, improve, maintain, and operate public park and recreation facilities when such facilities are necessary to more fully utilize boat landings, harbors, wharves and piers, air, land, and water passenger and transfer terminals, waterways, and other port facilities authorized by law pursuant to the port's comprehensive plan of harbor improvements and industrial development.

Port districts
—Park and
recreational
facilities, dis-
trict may
acquire,
operate.

SEC. 2. Before undertaking any such plan for the acquisition and operation of any park or recreational facility the proposed plan therefor shall be first submitted in writing to the director of the parks and recreation commission and to the governing body of any county or municipal park agency having jurisdiction in the area. The state director and/or such county or municipal park agency shall examine the port's proposed plan, and may disapprove such proposed plan if it is found to be in conflict with state or local park and recreation plans for the same area. If such proposed port plan is disapproved the port district shall not proceed further with such plan. If the state director or the governing body of the county or municipal agency does not respond in writing to the port within sixty days, it shall be deemed that approval has been granted.

—Approval
by state or
local agencies
—Deemed
granted, when.

Passed the Senate March 3, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 82.

[Senate Bill No. 184.]

FOREST PROTECTION—BURNING PERMITS.

AN ACT relating to forest protection; amending section 8, chapter 125, Laws of 1911, as last amended by section 2, chapter 24, Laws of 1953, and RCW 76.04.150; and providing penalties.

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

RCW 76.04.150
amended.

SECTION 1. Section 8, chapter 125, Laws of 1911 as last amended by section 2, chapter 24, Laws of 1953, and RCW 76.04.150 are each amended to read as follows:

Forest protec-
tion. Closed
season—
Permits.

Except in certain areas designated by the supervisor, no one shall burn any inflammable material within any county in this state in which there is a warden or ranger during the period beginning the fifteenth day of March, and ending on the fifteenth day of October in each year in western Washington, or between the fifteenth day of April and the fifteenth day of October in eastern Washington, unless a different date for such beginning and ending is fixed by order of the supervisor, without first obtaining permission in writing from the supervisor, or a warden, or ranger, and afterwards complying with the terms of said permit. However, if such fire is contained in a suitable device sufficient, in the opinion of the supervisor to prevent the fire from spreading, said written permission will not be necessary. A person violating this section shall, upon conviction, be fined not less than twenty-five dollars nor more than five hundred dollars or be imprisoned in the county jail not exceeding thirty days. Permission for burning shall be given only upon compliance with such rules and regulations as the supervisor shall prescribe, which shall be only such as the supervisor deems necessary for the protection of life or property.

The supervisor, any of his assistants, any warden or ranger, may refuse, revoke, or postpone the use of permits to burn when such act is clearly necessary for the safety of adjacent property.

Passed the Senate March 3, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 83.

[Senate Bill No. 211.]

PUBLIC HOSPITAL DISTRICT CONTRACTS.

AN ACT relating to contracts of public hospital districts; amending section 17, chapter 264, Laws of 1945, and RCW 70.44-.140.

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

SECTION 1. Section 17, chapter 264, Laws of 1945 and RCW 70.44.140 are each amended to read as follows:

RCW 70.44.140 amended.

All materials purchased and work ordered, the estimated cost of which is in excess of five thousand dollars, shall be by contract. Before awarding any such contract, the commission shall cause to be published a notice at least thirty days before the letting of said contract, inviting sealed proposals for such work, plans and specifications which must at the time of the publication of such notice be on file at the office of the public hospital district, subject to public inspection: *Provided, however,* That the commission may at the same time, and as part of the same notice, invite tenders for said work or materials upon plans and specifications to be submitted by bidders. Such notice shall state generally the work to be done, and shall call for proposals for doing the same, to be sealed and filed with the commission on

Public hospital districts—Contracts for material and work—Call for bids—Bid proposal security.

Public hospital
districts—Con-
tracts for ma-
terial and
work—Call for
bids—Bid
proposal
security.

or before the day and hour named therein. Each bid shall be accompanied by bid proposal security in the form of a certified check, cashier's check, postal money order, or surety bond made payable to the order of the commission, for a sum not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal security. At the time and place named, such bids shall be publicly opened and read, and the commission shall proceed to canvass the bids, and may let such contract to the lowest responsible bidder upon plans and specifications on file, or to the best bidder submitting his own plans and specifications: *Provided, however,* That no contract shall be let in excess of the estimated cost of said materials or work, or if, in the opinion of the commission, all bids are unsatisfactory, they may reject all of them and re-advertise, and in such case all bid proposal security shall be returned to the bidders; but if such contract be let, then and in such case all bid proposal security shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials for doing such work, and a bond to perform such work furnished, with sureties satisfactory to the commission, in an amount to be fixed by the commission, not less than twenty-five percent of contract price in any case, between the bidder and commission, in accordance with the bid. If such bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said bid proposal security and the amount thereof shall be forfeited to the public hospital district.

Passed the Senate March 5, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 84.

[Senate Bill No. 272.]

SCHOOL DISTRICT EMPLOYEES—MEMBERSHIP IN STATE EMPLOYEES' RETIREMENT SYSTEM, OASI.

AN ACT relating to the state employees retirement system; amending section 43, chapter 274, Laws of 1947 as last amended by section 16, chapter 174, Laws of 1963 and RCW 41.40.410; and adding a new section to chapter 274, Laws of 1947 and to chapter 41.40 RCW.

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

SECTION 1. Section 43, chapter 274, Laws of 1947 as last amended by section 16, chapter 174, Laws of 1963 and RCW 41.40.410 are each amended to read as follows:

RCW 41.40.410 amended.

The employees and appointive and elective officials of any political subdivision of the state may become members of the retirement system by the approval of the local legislative authority: *Provided*, That on and after September 1, 1965, every school district of the state of Washington shall be an employer under this chapter and every employee of the school district who is eligible for membership under RCW 41.40.120 shall be a member of the retirement system and participate on the same basis as a person who first becomes a member through the admission of any employer into the retirement system on and after April 1, 1949. Each such political subdivision becoming an employer under the meaning of this chapter shall make contributions to the funds of the retirement system as provided in RCW 41.40.080, 41.40.361 and 41.40.370 and its employees shall contribute to the employees' savings fund at the rate established under the provisions of RCW 41.40.330. For the purpose of administering and interpreting this chapter the board may substitute the names of political subdivisions of the state for the "state" and

State employees' retirement system. Optional entry of system by political subdivisions—School districts must enter system.

State employees' retirement system. Optional entry by political subdivisions—School districts must enter system.

employees of the subdivisions for "state employees" wherever such terms appear in this chapter. The board may also alter any dates mentioned in this chapter for the purpose of making the provisions of the chapter applicable to the entry of any political subdivisions into the system. Any member transferring employment to another employer which is covered by the retirement system may continue as a member without loss of previously earned pension and annuity benefits. The board shall keep such accounts as are necessary to show the contributions of each political subdivision to the benefit account fund and shall have the power to debit and credit the various accounts in accordance with the transfer of the members from one employer to another.

New section.

SEC. 2. There is added to chapter 274, Laws of 1947 and to chapter 41.40 RCW a new section to read as follows:

School systems to extend federal social security act benefits.

Every school district which has become an employer under this chapter prior to the effective date of this 1965 amendatory act or which becomes an employer after such effective date, shall immediately take such administrative action as may be necessary to extend to its employee members of the retirement system and their survivors the protection and benefits of the old-age and survivors insurance system embodied in the federal social security act.

Passed the Senate March 7, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 85.

[Senate Bill No. 338.]

STOCK TRANSFERS TO SURVIVING SPOUSE—
NONLIABILITY OF CORPORATIONS.

AN ACT relating to stock transfers, adding a new section to chapter 23.01 RCW.

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

SECTION 1. There is added to chapter 23.01 RCW New section. a new section to read as follows:

Neither a domestic or foreign corporation or its registrar or transfer agent shall be liable for transferring or causing to be transferred on the books of the corporation to or pursuant to the direction of the surviving spouse of a deceased husband or wife any share or shares or other securities theretofore issued by the corporation to the deceased or surviving spouse or both of them if the corporation or its registrar or transfer agent shall be provided with the following:

Business corporation act. Transfer of stock shares to surviving spouse—Non-liability of corporation, when.

(1) A copy of an agreement which shall have been entered into between the spouses pursuant to the provisions of section 2416 Code of 1881 and RCW 26.16.120 and certified by the auditor of the county in this state in whose office the same shall have been recorded;

(2) A certified copy of the death certificate of the deceased spouse;

(3) A release issued by the inheritance tax division of the tax commission of this state; and

(4) An affidavit of the surviving spouse that:

(a) The shares or other securities constituted community property of the spouses at date of death of the deceased spouse;

(b) No proceedings have been instituted or are contemplated to have admitted to probate a will of

Business corporation act.

the decedent or for letters of administration upon the decedent's estate; and that no proceedings have been instituted to contest or set aside or cancel the agreement; and that

(c) The claims of creditors have been paid or provided for.

Passed the Senate March 3, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 86.

[Senate Bill No. 345.]

VOLUNTEER FIREMEN'S RELIEF AND PENSIONS.

AN ACT relating to volunteer firemen's relief and pensions; increasing death and disability benefits and employer contributions thereto; amending section 15, chapter 261, Laws of 1945, as last amended by section 1, chapter 159, Laws of 1957, and RCW 41.24.150; amending section 16, chapter 261, Laws of 1945 as last amended by section 1, chapter 57, Laws of 1961 and RCW 41.24.160; amending section 22, chapter 261, Laws of 1945 as last amended by section 5, chapter 57, Laws of 1961 and RCW 41.24.220; adding a new section to chapter 261, Laws of 1945 and to chapter 41.24 RCW; and declaring an effective date.

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

RCW 41.24.150 amended.

SECTION 1. Section 15, chapter 261, Laws of 1945 as last amended by section 1, chapter 159, Laws of 1957, and RCW 41.24.150 are each amended to read as follows:

Volunteer firemen's relief and pensions. Disability payments.

Whenever a fireman serving in any capacity as a member of a fire department subject to the provisions of this chapter becomes physically or mentally disabled, or sick, in consequence or as the result of the performance of his duties, so as to be wholly prevented from engaging in each and every duty as his regular occupation, business or profes-

sion, he shall be paid from the fund monthly, the sum of three hundred dollars for a period of not to exceed six months, or ten dollars per day for such period as is part of a month, after which period, if the member is incapacitated to such an extent that he is thereby prevented from engaging in any occupation or performing any work for compensation or profit, he shall be entitled to draw from the fund monthly, the sum of one hundred fifty dollars so long as the disability continues, except as hereinafter provided: *Provided*, That if the member has a wife or husband and/or a child or children unemancipated or under eighteen years of age, he shall be entitled to draw from the fund monthly the additional sums of twenty-five dollars because of the fact of his wife or husband, twenty-five dollars because of the fact of his youngest or only child unemancipated or under eighteen years of age, and twenty dollars because of the fact of each additional child unemancipated or under eighteen years of age, all to a total maximum amount of three hundred dollars. The board may at any time reopen the grant of such disability pension if the pensioner is gainfully employed, and may reduce it in the proportion that the annual income from such gainful employment bears to the annual income received by the pensioner at the time of his disability: *Provided*, That where a fireman sustains a permanent partial disability the state board may provide that such injured fireman shall receive a lump sum compensation therefor to the same extent as is provided for permanent partial disability under the workmen's compensation act under Title 51 in lieu of such monthly disability payments.

SEC. 2. Section 16, chapter 261, Laws of 1945 as last amended by section 1, chapter 57, Laws of 1961 and RCW 41.24.160 are each amended to read as follows:

RCW 41.24.160
amended.

Volunteer fire-
men's relief
and pensions.
Death benefits.

Whenever a fireman dies as the result of injuries received, or sickness contracted in consequence or as the result of the performance of his duties, the board of trustees shall order and direct the payment of the sum of one thousand dollars to his widow, or if there be no widow, then to his dependent child or children, or if there be no dependent child or children, then to his parents or either of them, and the sum of one hundred dollars per month to his widow during 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 death, to a maximum total of two hundred dollars per month: *Provided*, That if there is no widow, or the widow 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, child or children entitled thereto, then to his 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 death: *Provided*, That if the widow, 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 propor-

tionate, 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. 3. Section 22, chapter 261, Laws of 1945 as last amended by section 5, chapter 57, Laws of 1961 and RCW 41.24.220 are each amended to read as follows:

RCW 41.24.220 amended.

Whenever any fireman becomes disabled or sick in the performance of his duties by reason of which he is confined to any hospital an amount not exceeding the daily ward rate of the hospital shall be allowed and paid from said fund toward such hospital expenses for a period not exceeding twenty-six weeks: *Provided*, That this allowance shall not be in lieu of but in addition to any other allowance in this chapter provided: *Provided further*, That costs of surgery, medicine, laboratory fees, x-ray, special therapies, and similar additional costs shall be paid in addition thereto.

Hospitalization, surgery, etc.

New section.

SEC. 4. There is added to chapter 261, Laws of 1945 and to chapter 41.24 RCW a new section to read as follows:

Volunteer firemen's relief and pensions. Additional fees.

In addition to the fees prescribed in RCW 41.24.030(2) the following fees shall be collected to finance the additional benefits conferred by this 1965 amendatory act:

- (1) Two dollars per year for each volunteer or part-paid member of its fire department; and
- (2) 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.

These fees shall be paid into the volunteer firemen's relief and pension fund by each municipal corporation on behalf of the members of its fire department.

Severability.

SEC. 5. If any provision of this 1965 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the 1965 amendatory act, or the application of the provision to other persons or circumstances is not affected.

Effective date.

SEC. 6. The effective date of this 1965 amendatory act is July 1, 1965.

Passed the Senate March 7, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 87.

[Senate Bill No. 462.]

HEALTH CARE SERVICE CONTRACTORS.

AN ACT relating to health care services; providing for the inclusion of pharmacists' services therein; amending section 1, chapter 268, Laws of 1947, as amended by section 1, chapter 197, Laws of 1961 and RCW 48.44.010; amending section 4, chapter 197, Laws of 1961 and RCW 48.44.070; and amending section 5, chapter 197, Laws of 1961 and RCW 48.44.080.

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

SECTION 1. Section 1, chapter 268, Laws of 1947, as amended by section 1, chapter 197, Laws of 1961 and RCW 48.44.010 are each amended to read as follows:

RCW 48.44.010 amended.

For the purposes of this chapter:

Health care service contractors. Definitions.

(1) "Health care services" means and includes medical, surgical, dental, hospital and other therapeutic services. The services of an optometrist licensed by the state of Washington and the services of a pharmacist registered by the state of Washington are also declared to be health care services for the purposes of this chapter.

(2) "Doctor" means any person lawfully licensed or authorized to render any health care services.

(3) "Health care service contractor" means any corporation, cooperative group, or association, which corporation, cooperative group, or association is sponsored by or otherwise intimately connected with a group of doctors licensed by the state of Washington or by a group of hospitals licensed by the state of Washington; or doctor licensed by the state of Washington; or group of doctors licensed by the state of Washington, who or which not otherwise being engaged in the insurance business, accepts prepayment for health care services from or for the benefit of persons or groups of persons as consideration for

Health care service contractors. Definitions.

providing such persons with any health care services. The term also includes any corporation, cooperative group, or association, sponsored by or otherwise intimately connected with a group of pharmacists registered by the state of Washington; or any pharmacist, or group of pharmacists, registered by the state of Washington; who or which not otherwise being engaged in the insurance business, accepts prepayment for health care services from or for the benefit of persons or groups of persons as consideration for providing such persons with any health care services.

(4) "Participant" means a doctor, hospital, or licensed pharmacy, drug store or dispensary, who or which has contracted in writing with a health care service contractor to accept payment from and to look solely to such contractor according to the terms of the subscriber contract for any health care services rendered to a person who has previously paid such contractor for such services.

RCW 48.44.070 amended.

SEC. 2. Section 4, chapter 197, Laws of 1961 and RCW 48.44.070 are each amended to read as follows:

Contracts to be filed with commissioner.

Forms of contracts between health care service contractors and participants shall be filed with the insurance commissioner prior to use.

RCW 48.44.080 amended.

SEC. 3. Section 5, chapter 197, Laws of 1961 and RCW 48.44.080 are each amended to read as follows:

Contractor to file with commissioner list of participants—Notice of termination.

Every health care service contractor shall file with the insurance commissioner lists of the participants with whom or with which such health care service contractor has executed contracts of participation, certifying that each such participant has executed such contract of participation. The health care service contractor shall immediately notify the

insurance commissioner in writing in case of the termination of any such contract.

Passed the Senate March 3, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 88.

[Senate Bill No. 15.]

REGULATION OF SOURCES OF IONIZING RADIATION.

AN ACT relating to the development, regulation, and utilization of sources of ionizing radiation; and amending sections 2, 3, 5, 7, 8, 11, 15 and 18, chapter 207, Laws of 1961 and RCW 70.98.020, 70.98.030, 70.98.050, 70.98.070, 70.98.080, 70.98.110, 70.98.150 and 70.98.180.

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

SECTION 1. Section 2, chapter 207, Laws of 1961 and RCW 70.98.020 are each amended to read as follows:

RCW 70.98.020 amended.

It is the purpose of this chapter to effectuate the policies set forth in RCW 70.98.010 by providing for:

Nuclear energy and radiation, regulation. Purpose.

(1) A program of effective regulation of sources of ionizing radiation for the protection of the occupational and public health and safety;

(2) A program to promote an orderly regulatory pattern within the state, among the states and between the federal government and the state and facilitate intergovernmental cooperation with respect to use and regulation of sources of ionizing radiation to the end that duplication of regulation may be minimized;

(3) A program to establish procedures for assumption and performance of certain regulatory responsibilities with respect to byproduct, source, and special nuclear materials;

(4) A program to permit maximum utilization of sources of ionizing radiation consistent with the health and safety of the public.

RCW 70.98.030
amended.

SEC. 2. Section 3, chapter 207, Laws of 1961 and RCW 70.98.030 are each amended to read as follows:

Nuclear energy
and radiation,
regulation,
Definitions.

(1) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(2) "Ionizing radiation" means gamma rays and x-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(3) (a) "General license" means a license effective pursuant to regulations promulgated by the state radiation control agency, without the filing of an application, to transfer, acquire, own, possess, or use quantities of, or devices or equipment utilizing, byproduct, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially.

(b) "Specific license" means a license, issued after application to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing byproduct, source, special nuclear materials, or other radioactive materials occurring naturally or produced artificially.

(4) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commission, or any successor thereto, and other than federal

government agencies licensed by the United States Atomic Energy Commission, or any successor thereto.

(5) "Source material" means (a) uranium, thorium, or any other material which the governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such; or (b) ores containing one or more of the foregoing materials, in such concentration as the governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material in such concentration to be source material.

(6) "Special nuclear material" means (a) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the governor declares by order to be special nuclear material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (b) any material artificially enriched by any of the foregoing, but does not include source material.

(7) "Registration" means registration with the state department of health by any person possessing a source of ionizing radiation in accordance with rules, regulations and standards adopted by the department of health.

(8) "Radiation source" means any type of device or substance which is capable of producing or emitting ionizing radiation.

SEC. 3. Section 5, chapter 207, Laws of 1961 and RCW 70.98.050 are each amended to read as follows:

RCW 70.98.050
amended.

(1) The department of health is hereby designated as the state radiation control agency, hereinafter referred to as the agency, and shall be the state

State radiation
control agency.

Nuclear energy
and radiation,
regulation.
State radiation
control agency.

agency having sole responsibility for administration of the regulatory, licensing and radiation control provisions of this chapter.

(2) The director of the state department of health shall be director of the agency, hereinafter referred to as the director, who shall perform the functions vested in the agency pursuant to the provisions of this chapter.

(3) The agency shall appoint a state radiological control officer, and in accordance with the laws of the state, fix his compensation and prescribe his powers and duties. Such officer shall be competent to evaluate radiological health hazards associated with the many uses of radioactive material and other sources of ionizing radiation. He shall at least have a baccalaureate degree, be trained in the physical and/or life sciences, and shall have had experience in health physics.

(4) In accordance with the laws of the state, the agency may appoint, employ, fix the compensation, and prescribe the powers and duties of such other individuals, including consultants and advisory councils and committees, as may be necessary to carry out the provisions of this chapter. The personnel engaged in field activities of evaluation and inspection shall at least have a baccalaureate degree in the physical or life sciences, or the equivalent, and be trained in health physics.

(5) The agency shall for the protection of the occupational and public health and safety:

(a) Develop programs for evaluation of hazards associated with use of ionizing radiation;

(b) Develop programs with due regard for compatibility with federal programs for regulation of byproduct, source, and special nuclear materials;

(c) Formulate and, with the approval of the technical advisory board, adopt, promulgate, and

repeal codes, rules and regulations relating to control of sources of ionizing radiation;

(d) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, political subdivisions, and with groups concerned with control of sources of ionizing radiation;

(e) Have the authority to accept and administer loans, grants, or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the federal government and from other sources, public or private;

(f) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to control of sources of ionizing radiation;

(g) Collect and disseminate information relating to control of sources of ionizing radiation; including:

(i) Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations;

(ii) Maintenance of a file of registrants possessing sources of ionizing radiation requiring registration under the provisions of this chapter and any administrative or judicial action pertaining thereto; and

(iii) Maintenance of a file of all rules and regulations relating to regulation of sources of ionizing radiation, pending or promulgated, and proceedings thereon.

(h) In connection with any contested case as defined by RCW 34.04.010 or any other administrative proceedings as provided for in this chapter, have the power to issue subpoenas in order to compel the attendance of necessary witnesses and/or the production of records or documents.

SEC. 4. Section 7, chapter 207, Laws of 1961 and RCW 70.98.070 are each amended to read as follows:

RCW 70.98.070
amended.

Nuclear energy
and radiation,
regulation.
Advisory coun-
cil on nuclear
energy and
radiation.

(1) There is hereby created an advisory council on nuclear energy and radiation, hereinafter referred to as the council, consisting of seven members appointed by the governor and serving at his pleasure. Membership on the advisory council shall include, but not be limited to, representatives from industry, labor, the healing arts, research and education. In addition the directors of the department of health, department of labor and industries, department of agriculture, and the department of commerce and economic development shall serve as ex officio members of the council. The governor shall designate from his appointees a member to serve as chairman of the council. Members of the council shall receive no salary or compensation for services but shall be reimbursed for actual expenses incurred while engaged in the business of the council.

(2) The council shall:

(a) Review and evaluate policies and programs of the state relating to ionizing radiation.

(b) Make recommendations to the governor and furnish such advice as may be required on matters relating to development, utilization, and regulation of sources of ionizing radiation.

(c) Make an annual report to the governor.

(d) Review, after any agency, agencies, board or commission has held any public hearing required by this chapter or chapter 34.04 prior to promulgation and filing with the code reviser, the proposed rules and regulations of the state radiation control agency and all other boards, agencies, and commissions of this state relating to use and control of sources of ionizing radiation to determine that such rules and regulations are consistent with rules and regulations of other agencies, boards, and commissions of the state. Proposed rules and regulations shall not be filed with the code reviser until sixty

days after submission to the council unless the council waives all or any part of such sixty day period.

(e) When the council determines that any proposed rules or regulations or parts thereof are inconsistent with rules and regulations of other agencies, boards, or commissions of the state, the council will so advise the governor and the appropriate agency, agencies, boards or commissions, and consult with them in an effort to resolve any such inconsistencies.

(f) Have the power to employ, compensate, and prescribe the powers and duties of such individuals as may be necessary to properly carry out the duties of the council from whatever funds which may be made available to the council for such purpose, including the power to employ an executive secretary to perform the administrative functions of the council.

SEC. 5. Section 8, chapter 207, Laws of 1961 and RCW 70.98.080 are each amended to read as follows:

(1) The agency shall provide by rule or regulation for general or specific licensing of byproduct, source, special nuclear materials, or devices or equipment utilizing such materials, or other radioactive material occurring naturally or produced artificially. Such rule or regulation shall provide for amendment, suspension, or revocation of licenses. Such rule or regulation shall provide that:

(a) Each application for a specific license shall be in writing and shall state such information as the agency, by rule or regulation, may determine to be necessary to decide the technical, insurance, and financial qualifications, or any other qualification of the applicant as the agency may deem reasonable and necessary to protect the occupational and public health and safety. The agency may at any time after the filing of the application, and before the expiration of the license, require further written statements

RCW 70.98.080 amended.

Registration of sources of ionizing radiation
—Licensing of byproduct, source, special nuclear materials or devices—
using same—
Exemptions.

Nuclear energy and radiation, regulation. Registration of sources of ionizing radiation—Licensing of byproduct, source, special nuclear materials or devices using same—Exemptions.

and shall make such inspections as the agency deems necessary in order to determine whether the license should be granted or denied or whether the license should be modified, suspended, or revoked. In no event shall the agency grant a specific license to any applicant who has never possessed a specific license issued by a recognized state or federal authority until the agency has conducted an inspection which insures that the applicant can meet the rules, regulations and standards adopted pursuant to this chapter. All applications and statements shall be signed by the applicant or licensee. The agency may require any applications or statements to be made under oath or affirmation;

(b) Each license shall be in such form and contain such terms and conditions as the agency may by rule or regulation prescribe;

(c) No license issued under the authority of this chapter and no right to possess or utilize sources of ionizing radiation granted by any license shall be assigned or in any manner disposed of; and

(d) The terms and conditions of all licenses shall be subject to amendment, revision, or modification by rules, regulations or orders issued in accordance with the provisions of this chapter.

(2) The agency may require registration of all sources of ionizing radiation.

(3) The agency may exempt certain sources of ionizing radiation or kinds of uses or users from the registration or licensing requirements set forth in this section when the agency makes a finding after approval of the technical advisory board that the exemption of such sources of ionizing radiation or kinds of uses or users will not constitute a significant risk to the health and safety of the public.

(4) In promulgating rules and regulations pursuant to this chapter the agency shall, insofar as practical, strive to avoid requiring dual licensing,

and shall provide for such recognition of other state or federal licenses as the agency shall deem desirable, subject to such registration requirements as the agency may prescribe.

SEC. 6. Section 11, chapter 207, Laws of 1961 and RCW 70.98.110 are each amended to read as follows:

RCW 70.98.110 amended.

(1) The governor, on behalf of this state, is authorized to enter into agreements with the federal government providing for discontinuance of certain of the federal government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by this state pursuant to this chapter.

Federal-state transfer agreements—Termination of rights under federal license.

(2) Any person who, on the effective date of an agreement under subsection (1) above, possesses a license issued by the federal government shall be deemed to possess the same pursuant to a license issued under this chapter which shall expire either ninety days after the receipt from the state radiation control agency of a notice of expiration of such license or on the date of expiration specified in the federal license, whichever is earlier.

SEC. 7. Section 15, chapter 207, Laws of 1961 and RCW 70.98.150 are each amended to read as follows:

RCW 70.98.150 amended.

It shall be unlawful for any person to use, manufacture, produce, transport, transfer, receive, acquire, own, or possess any source of ionizing radiation unless licensed by or registered with, or exempted by the agency in accordance with the provisions of this chapter.

Prohibited uses.

SEC. 8. Section 18, chapter 207, Laws of 1961 and RCW 70.98.180 are each amended to read as follows:

RCW 70.98.180 amended.

This chapter shall not apply to the following sources or conditions:

Exemptions.

(1) Radiation machines during process of manufacture, or in storage or transit: *Provided*, That this exclusion shall not apply to functional testing of such machines.

Nuclear energy and radiation regulation. Exemptions.

(2) Any radioactive material while being transported in conformity with regulations adopted by any federal agency having jurisdiction therein, and specifically applicable to the transportation of such radioactive materials.

(3) No exemptions under this section are granted for those quantities or types of activities which do not comply with the established rules and regulations promulgated by the Atomic Energy Commission, or any successor thereto.

Passed the Senate March 4, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 89.

[Senate Bill No. 57.]

EXEMPTIONS FROM EXECUTION AND ATTACHMENT.

AN ACT relating to personal exemptions; and amending section 253, page 178, Laws of 1854, as last amended by section 1, page 96, Laws of 1886, and RCW 6.16.020; and repealing section 114, chapter 235, Laws of 1945 and RCW 33.20.140.

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

RCW 6.16.020 amended.

SECTION 1. Section 253, page 178, Laws of 1854, as last amended by section 1, page 96, Laws of 1886, and RCW 6.16.020 are each amended to read as follows:

Executions and attachments. Exempt property specified.

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 hun-

dred 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 householder 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 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 shall make a selection equal in value to the applicable exemptions above described and he shall return the same as exempt by

Executions and
attachments.
Exempt prop-
erty specified.

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.

Repeal.

SEC. 2. Section 114, chapter 235, Laws of 1945 and RCW 33.20.140 are each repealed.

Passed the Senate March 4, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 90.

[Senate Bill No. 70.]

WASHINGTON STATE UNIVERSITY—EXCHANGE OF CERTAIN LANDS.

AN ACT relating to public lands; and authorizing the board of regents of Washington State University to exchange certain lands owned by the state for certain lands privately owned.

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

SECTION 1. The board of regents of Washington State University is authorized to exchange all or any part of the following described real property in Whitman county, state of Washington:

Washington State University. Exchange of college property authorized.

All of Block 5 of Agricultural College Addition to Pullman,

Also, all that portion of the west half of "A" Street (now vacated) adjoining said block 5 on the east and lying north of the old County Road.

Also, all that portion of the northeasterly one-half of the old County Road, (now vacated) adjoining said block 5 on the southwest as would pass by operation of law when same was vacated by Resolution of the Board of County Commissioners passed November 4, 1946 and filed under auditor's file No. 212726.

SEC. 2. In exchange for the real property described in section 1 of this act, the board of regents of Washington State University is authorized to acquire all or any part of the following described real property in Whitman county, state of Washington:

Private property acceptable under exchange.

Lot 13, Block 3 of College Park Addition to Pullman,

Except that portion thereof conveyed to the City

of Pullman by deed filed May 15, 1939 under auditor's file No. 151309.

Passed the Senate March 3, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 91.

[Senate Bill No. 71.]

METROPOLITAN MUNICIPAL CORPORATIONS—ACQUISITION OF TRANSPORTATION SYSTEM—EMPLOYEES' RIGHTS.

AN ACT relating to metropolitan transportation functions of metropolitan municipal corporations and adding a new section to chapter 7, Laws of 1965, and to chapter 35.58 RCW.

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

New section. SECTION 1. There is hereby added to chapter 7, Laws of 1965, and to chapter 35.58 RCW a new section to read as follows:

Metropolitan municipal corporations. Acquisition of transportation system by—Employees' rights saved.

If a metropolitan municipal corporation shall perform the metropolitan transportation function and shall acquire any existing transportation system, it shall assume and observe all existing labor contracts relating to such system and, to the extent necessary for operation of facilities, all of the employees of such acquired transportation system whose duties are necessary to operate efficiently the facilities acquired shall be appointed to comparable positions to those which they held at the time of such transfer, and no employee or retired or pensioned employee of such systems shall be placed in any worse position with respect to pension seniority, wages, sick leave, vacation or other benefits that he enjoyed as an employee of such system prior to such acquisition. The metropolitan municipal corporation shall engage

in collective bargaining with the duly appointed representatives of any employee labor organization having existing contracts with the acquired transportation system and may enter into labor contracts with such employee labor organization.

Passed the Senate March 4, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 92.

[Senate Bill No. 86.]

COUNTY SHERIFFS—DUTIES.

AN ACT relating to county sheriffs; and amending section 36.28.010, chapter 4, Laws of 1963, and RCW 36.28.010.

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

SECTION 1. Section 36.28.010, chapter 4, Laws of 1963, and RCW 36.28.010 are each amended to read as follows: RCW 36.28.010 amended.

The sheriff is the chief executive officer and conservator of the peace of the county. In the execution of his office, he and his deputies: Sheriff. General duties.

(1) Shall arrest and commit to prison all persons who break the peace, or attempt to break it, and all persons guilty of public offenses;

(2) Shall defend the county against those who, by riot or otherwise, endanger the public peace or safety;

(3) Shall execute the process and orders of the courts of justice or judicial officers, when delivered for that purpose, according to law;

(4) Shall execute all warrants delivered for that purpose by other public officers, according to the provisions of particular statutes;

(5) Shall attend the sessions of the courts of rec-

Sheriff. Gen-
eral duties.

ord held within the county, and obey their lawful orders or directions;

(6) Shall keep and preserve the peace in their respective counties, and quiet and suppress all af-frays, riots, unlawful assemblies and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or secur-ing any person for felony or breach of the peace, they may call to their aid such persons, or power of their county as they may deem necessary.

Passed the Senate March 3, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 93.

[Senate Bill No. 91.]

PROPERTY TAXES—INCORRECT LISTING—
PROCEDURE.

AN ACT relating to county treasurer's listing of manifest errors to the board of equalization; amending section 84.56.390, chapter 15, Laws of 1961 and RCW 84.56.390, and section 84.56.400, chapter 15, Laws of 1961 and RCW 84.56.400.

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

RCW 84.56.390
amended.

SECTION 1. Section 84.56.390, chapter 15, Laws of 1961 and RCW 84.56.390 are each amended to read as follows:

Property taxes,
collection of.
Treasurer's
record of false
or erroneous
listing to board
of equalization.

If the county treasurer has reason to believe or is informed that any person has given to the county assessor a false statement of his personal property, or that the county assessor has not returned the full amount of personal property required to be listed in his county, or has omitted or made erroneous re-turn of any property which is by law subject to tax-ation, or if it comes to his knowledge that there is personal property which has not been listed for tax-

ation for the current year, he shall prepare a record setting out the facts with reference thereto and file such record with the county board of equalization. The county board of equalization shall reconvene in June on a day fixed by the board for the purpose of considering such matters as appear in the record filed by the treasurer and may issue compulsory process and require the attendance of any person having knowledge of the articles or value of the property erroneously or fraudulently returned, and examine such person on oath in relation to the statement or return of assessment, and the board shall in all such cases notify every person affected before making a finding, so that he may have an opportunity of showing that his statement or the return of the assessor is correct.

SEC. 2. Section 84.56.400, chapter 15, Laws of 1961 and RCW 84.56.400 are each amended to read as follows:

RCW 84.56.400 amended.

The county treasurer shall also make and file with the county board of equalization a record, setting forth the facts relating to such manifest errors in description, double assessments, clerical errors in extending the rolls, and such manifest errors in the listing of property which do not involve a revaluation of property, such as the assessment of property exempted by law from taxation or the failure to deduct the exemption allowed by law to the head of a family, as shall come to his attention after the rolls have been turned over to him for collection. The said record shall also set forth by legal description all property belonging exclusively to the state, any county or any municipal corporation whose property is exempt from taxation, upon which there remains, according to the tax roll, any unpaid taxes.

Treasurer's record of manifest errors on listing—June meeting of board of equalization.

The county board of equalization at its meeting in June shall consider such matters as appear in the

Property taxes.
Treasurer's
record of
manifest errors
in listing—
June meeting
of board of
equalization.

record filed with it by the county treasurer, and shall only correct such matters as are set forth in such record, but it shall have no power to change or alter the assessment of any person, or change the aggregate value of the taxable property of the county, except insofar as it is necessary to correct the errors hereinbefore mentioned: *Provided*, That the board shall cancel all unpaid taxes upon property which belongs exclusively to the state, any county or municipal corporation. The board shall make findings of the facts upon which it bases its decision on all matters submitted to it, and when so made the assessment and levy shall have the same force as it made in the first instance, and the county treasurer shall proceed to collect the taxes due on the rolls as modified.

The board at its June meeting shall consider only matters referred to it by the records of the county treasurer under this section and RCW 84.56.390.

Passed the Senate March 3, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 94.

[Senate Bill No. 94.]

POLICE JUDGES—THIRD CLASS CITIES.

AN ACT relating to police judges in cities of the third class; amending section 35.24.450, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.24.450; and amending section 35.24.460, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.24.460.

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

SECTION 1. Section 35.24.450, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.24.450 are each amended to read as follows:

RCW 35.24.450
amended.

The mayor of any city of the third class having a population of five thousand or more, which has not elected to establish a municipal court under chapter 3.50 RCW, shall, at the time he makes his other appointments, appoint a police judge from the practicing attorneys residing or maintaining an office in said city. Said police judge shall, before entering upon the duties of his office, give such bond to the city for the faithful performance of his duties as the city council may by ordinance direct, and shall receive such salary as the council shall by ordinance direct.

Police judge—
Third class
cities. Ap-
pointment—
Bond—Com-
pensation.

SEC. 2. Section 35.24.460, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.24.460 are each amended to read as follows:

RCW 35.24.460
amended.

The police judge so appointed shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license, penalty or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and pronounce judgment in accordance therewith: *Provided*, That for the violation of a criminal ordinance no greater punishment shall be imposed than a fine of three hundred dollars or imprisonment not to exceed ninety days, or by both such fine and imprisonment. In the trial of actions brought for the violation of any city ordinance, no jury shall be allowed.

Jurisdiction.

Passed the Senate March 4, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 95.

[Senate Bill No. 95.]

JUSTICES OF THE PEACE—JURISDICTION—
GARNISHMENT.

AN ACT relating to justices of the peace; and amending section 113, chapter 299, Laws of 1961 and RCW 3.66.020; and adding a new section to chapter 12.32 RCW.

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

RCW 3.66.020 amended.

SECTION 1. Section 113, chapter 299, Laws of 1961 and RCW 3.66.020 are each amended to read as follows:

Justices of the peace. Civil jurisdiction.

The justice court shall have jurisdiction and cognizance of the following civil actions and proceedings:

- (1) Of an action arising on contract for the recovery of money only in which the sum claimed does not exceed one thousand dollars;
- (2) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed does not exceed one thousand dollars; also of actions to recover the possession of personal property when the value of such property as alleged in the complaint, does not exceed one thousand dollars;
- (3) Of an action for a penalty not exceeding one thousand dollars;
- (4) Of an action upon a bond conditioned for the payment of money, when the amount claimed does not exceed one thousand dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;
- (5) Of an action on an undertaking or surety

bond taken by him or his predecessor in office, when the amount claimed does not exceed one thousand dollars;

(6) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed do not exceed one thousand dollars;

(7) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed does not exceed one thousand dollars;

(8) To issue writs of attachment, garnishment and replevin upon goods, chattels, moneys, and effects, when the amount does not exceed one thousand dollars; and

(9) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved does not exceed one thousand dollars and the title to, or right of possession of, or a lien upon real property is not involved.

The amounts of money referred to in subparagraphs (1) through (9) shall be exclusive of interest, costs and attorney's fees.

SEC. 2. There is added to chapter 12.32 RCW a New section. new section to read as follows:

Where the plaintiff sues for a debt which is just, due and unpaid in an amount exceeding three hundred dollars, and seeks to have a writ of garnishment issued prior to judgment, the plaintiff shall execute a bond with two or more good and sufficient sureties, to be approved by the justice issuing the writ, payable to the defendant in the suit, in double the amount of the debt claimed therein, conditioned that he will prosecute his suit and pay all damages and costs that may be adjudged against him for wrongfully suing out such garnishment.

Garnishment—
Bond require-
ment before
issuance of
writ prior to
judgment.

Passed the Senate March 4, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 96.

[Senate Bill No. 96.]

JUSTICES OF THE PEACE—JURISDICTION—
GARNISHMENT.

AN ACT relating to justices of the peace; and amending section 23, page 226, Laws of 1854, as last amended by section 19, chapter 11, Laws of 1955 and RCW 3.20.020; and adding a new section to chapter 12.32 RCW.

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

RCW 3.20.020 amended.

SECTION 1. Section 23, page 226, Laws of 1854, as last amended by section 19, chapter 11, Laws of 1955 and RCW 3.20.020 are each amended to read as follows:

Justices of the peace. Civil jurisdiction.

Every justice of the peace required by law to be a licensed attorney of this state and required by law to devote his full time to the office shall have jurisdiction and cognizance of the following civil actions and proceedings:

(1) Of an action arising on contract for the recovery of money only in which the sum claimed is less than one thousand dollars;

(2) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed is less than one thousand dollars; also of actions to recover the possession of personal property, when the value of such property, as alleged in the complaint, is less than one thousand dollars;

(3) Of an action for a penalty less than one thousand dollars;

(4) Of an action upon a bond conditioned for the payment of money, when the amount claimed is less than one thousand dollars, though the penalty of the

bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(5) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed is less than one thousand dollars;

(6) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed are less than one thousand dollars;

(7) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed is less than one thousand dollars;

(8) To issue writs of attachment upon goods, chattels, moneys, and effects, when the amount is less than one thousand dollars;

(9) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved is less than one thousand dollars, and the title to, or right of possession of, or to a lien upon, real property is not involved.

Every justice of the peace not required by law to be a licensed attorney of this state and not required by law to devote his full time to his office shall have jurisdiction and cognizance of the following civil actions and proceedings:

(1) Of an action arising on contract for the recovery of money only in which the sum claimed is less than five hundred dollars;

(2) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed is less than five hundred dollars; also of actions to recover the possession of personal property, when the value

Justices of the
peace. Civil
jurisdiction.

of such property, as alleged in the complaint, is less than five hundred dollars;

(3) Of an action for a penalty less than five hundred dollars;

(4) Of an action upon a bond conditioned for the payment of money, when the amount claimed is less than five hundred dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(5) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed is less than five hundred dollars;

(6) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed are less than five hundred dollars;

(7) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed is less than five hundred dollars;

(8) To issue writs of attachment upon goods, chattels, moneys, and effects, when the amount is less than five hundred dollars;

(9) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved is less than five hundred dollars, and the title to, or right of possession of, or to a lien upon, real property is not involved.

New section.

SEC. 2. There is added to chapter 12.32 RCW a new section to read as follows:

Garnishment—
Bond require-
ment before
issuance of
writ prior to
judgment.

Where the plaintiff sues for a debt which is just, due and unpaid in an amount exceeding three hundred dollars, and seeks to have a writ of garnishment issued prior to judgment, the plaintiff shall execute a bond with two or more good and sufficient sureties, to be approved by the justice issuing the writ, payable to the defendant in the suit, in double the amount of the debt claimed therein, conditioned that he will

prosecute his suit and pay all damages and costs that may be adjudged against him for wrongfully suing out such garnishment.

Passed the Senate March 4, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 97.

[Senate Bill No. 98.]

CHIROPODY LICENSING—FEES—RECIPROCITY.

AN ACT relating to the practice of chiropody; amending section 14, chapter 52, Laws of 1957 and RCW 18.22.060; amending section 6, chapter 149, Laws of 1955 and RCW 18.22.120; and adding a new section to chapter 38, Laws of 1917 and to chapter 18.22 RCW.

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

SECTION 1. Section 14, chapter 52, Laws of 1957 and RCW 18.22.060 are each amended to read as follows:

RCW 18.22.060 amended.

Every applicant for a license to practice chiropody shall pay to the state treasurer a fee of fifty dollars.

Chiropodists, licensing of. Application fee—Reexamination, fee.

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. 2. Section 6, chapter 149, Laws of 1955 and RCW 18.22.120 are each amended to read as follows:

RCW 18.22.120 amended.

Every person practicing chiropody must renew his license each year and pay a renewal fee of fifteen dollars.

License—Annual renewal—Fee.

Any chiropody license that has been allowed to lapse may be renewed by presentation of a new char-

acter certificate as required for examination, together with the payment of the annual license fee.

New section.

SEC. 3. There is added to chapter 38, Laws of 1917 and to chapter 18.22 RCW a new section to read as follows:

Chiropractists,
licensing of.
Reciprocity—
Fee.

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, 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.

Passed the Senate March 4, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 98.

[Senate Bill No. 120.]

MATERIALMEN'S LIENS.

AN ACT relating to materialmen's liens and the enforcement thereof; amending section 1, chapter 45, Laws of 1909 as last amended by section 1, chapter 278, Laws of 1959, and by section 2, chapter 279, Laws of 1959, and RCW 60.04-.020; and consolidating said 1959 amendments.

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

SECTION 1. Section 1, chapter 45, Laws of 1909 as last amended by section 1, chapter 278, Laws of 1959 and by section 2, chapter 279, Laws of 1959 (said 1959 amendments being hereby consolidated), and RCW 60.04.020 are each amended to read as follows:

RCW 60.04.020 amended.

Every person, firm or corporation furnishing materials or supplies or renting, leasing or otherwise supplying equipment, to be used in the construction, alteration or repair of any mining claim, building, wharf, bridge, ditch, dyke, flume, tunnel, well, fence, machinery, railroad, street railway, wagon road, aqueduct to create hydraulic power, or any other building, or any other structure, or mining claim or stone quarry, shall, not later than sixty days after the date of the first delivery of such materials or supplies or equipment to any contractor or agent, give to the owner or reputed owner of the property on, upon or about which such materials or supplies or equipment were used, a notice in writing, stating in substance and effect that such person, firm or corporation has furnished materials and supplies, or equipment for use thereon, with the name of the contractor or agent ordering the same, and that a lien may be claimed for all materials and supplies, or equipment furnished by such person, firm or corporation for use thereon, which notice shall be given by mailing the same by registered or certified mail in an envelope

Materialmen's lien. Notice that materialmen's lien may be claimed.

Materialmen's
lien—Notice
that lien may
be claimed.

addressed to the owner or reputed owner at his place of residence or reputed residence: *Provided, however,* That with respect to materials or supplies or equipment used in construction, alteration or repair of any single family residence or garage such notice must be given not later than ten days after the date of the first delivery of such materials or supplies or equipment. No materialmen's lien shall be enforced unless the provisions of this section have been complied with: *Provided,* That in the event the notice required by this section is not given within the time specified by this section, any lien or claim of lien shall be enforceable only for materials and supplies or equipment delivered subsequent to such notice being given to the owner or reputed owner, and such lien or claim of lien shall be secondary to any lien or claim of lien established where such notice was given within the time limits prescribed by this section.

Passed the Senate March 3, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 99.

[Senate Bill No. 129.]

FEDERAL COURT LOCAL LAW CERTIFICATE
PROCEDURE ACT.

AN ACT relating to the jurisdiction of the supreme court of the state of Washington; and providing for federal court local law certificate procedure.

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

SECTION 1. As used in this act:

(1) The term "certificate procedure" shall mean the procedure authorized herein by which a federal court in disposing of a cause pending before it sub-

Federal court
local law cer-
tificate pro-
cedure act.
Definitions.

mits a question of local law to the supreme court for answer;

(2) The term "federal court" means any court of the United States of America including the supreme court of the United States, courts of appeal, district courts and any other court created by act of congress;

(3) The term "supreme court" shall mean supreme court of Washington;

(4) The term "record" shall mean: (a) A stipulation of facts approved by the federal court showing the nature of the case and the circumstances out of which the question of law arises or such part of the pleadings, proceedings and testimony in the cause pending before the federal court as in its opinion is necessary to enable the supreme court to answer the question submitted; (b) a statement of the question of local law certified for answer. The record shall contain a certificate under the official seal of the court, signed by the chief judge of a multi-judge federal court or judge of the district court utilizing certificate procedure stating that the record contains all matters in the pending cause deemed material for consideration of the local law question certified for answer;

(5) The term "supplemental record" shall mean the original or copies of any other portion of the proceedings, pleadings and testimony before the federal court deemed desirable by the supreme court in the determination of the local law question certified for answer. The supplemental record shall contain a certificate under the official seal of the court signed by the chief judge of such multi-judge federal court or judge of the district court, certifying that the supplemental record contains all additional matters requested;

(6) The term "opinion" shall mean the written opinion of the supreme court of Washington and shall

Federal court local law certificate procedure act.

include the certificate of the clerk of such court under seal of court stating that the opinion is in answer to the local law question submitted.

Question certified to supreme court—Opinion as answer.

SEC. 2. When in the opinion of any federal court before whom a proceeding is pending, it is necessary to ascertain the local law of this state in order to dispose of such proceeding and the local law has not been clearly determined, such federal court may certify to the supreme court for answer the question of local law involved and the supreme court shall render its opinion in answer thereto.

Certificate procedure—Provisions governing.

SEC. 3. Certificate procedure shall be governed by the following provisions:

(1) Certificate procedure may be invoked by a federal court upon its own motion or upon the motion of any interested party in the litigation involved if the federal court grants such motion.

(2) Certificate procedure shall include and be based upon the record and may include a supplemental record.

(3) Certificate procedure costs shall be equally divided between plaintiff and defendant, subject to reallocation as between or among the parties by the federal court involved.

(4) The appellant or moving party in the federal court shall file and serve upon its adversary its brief on the question certified within thirty days after the filing of the record in the supreme court. The appellee or responding party in the federal court shall file and serve upon its adversary its brief within twenty days after receipt of appellant's or moving party's brief and a reply brief shall be filed within ten days. Time for filing record, supplemental record or briefs may be extended for cause.

(5) Oral argument as in other causes on the merits may be had upon request of the supreme court or

upon application of any interested party in the certificate procedure.

(6) The supreme court shall forward to the federal court utilizing certificate procedure its opinion answering the local law question submitted.

(7) The supreme court may adopt rules of practice and procedure to implement or otherwise facilitate utilization of certificate procedure.

SEC. 4. This act may be cited as the "Federal court local law certificate procedure act." Short title.

Passed the Senate March 8, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 100.

[Senate Bill No. 149.]

DIRECTOR OF LICENSES—POWERS AND DUTIES.

AN ACT relating to state government; the department of licenses, the director and his power and duties; amending sections 43.24.010, 43.24.020, 43.24.060, 43.24.080 and 43.24.110, chapter 8, Laws of 1965 and RCW 43.24.010, 43.24.020, 43.24.060, 43.24.080 and 43.24.110; adding a new section to chapter 8, Laws of 1965 and chapter 43.24 RCW; and repealing sections 43.24.050, 43.24.070 and 43.24.100, chapter 8, Laws of 1965 and RCW 43.24.050, 43.24.070 and 43.24.100.

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

SECTION 1. Section 43.24.010, chapter 8, Laws of 1965 and RCW 43.24.010 are each amended to read as follows: RCW 43.24.010 amended.

The director of licenses shall have charge and general supervision of the department of licenses. Department of licenses. Authority of director—Personnel.

He may appoint such clerical and other assistants as may be necessary to carry on the work of the department and deputize one or more of such assistants to perform duties in the name of the director.

RCW 43.24.020 amended.

SEC. 2. Section 43.24.020, chapter 8, Laws of 1965 and RCW 43.24.020 are each amended to read as follows:

Department of licenses. Director—Powers and duties.

The director of licenses shall administer all laws with respect to the examination of applicants for, and the issuance of, licenses to persons to engage in any business, profession, trade, occupation, or activity.

This shall include the administration of all laws pertaining to the regulation of securities and speculative investments.

RCW 43.24.060 amended.

SEC. 3. Section 43.24.060, chapter 8, Laws of 1965 and RCW 43.24.060 are each amended to read as follows:

Licenses—Examining committee—Examinations.

The director of licenses shall, from time to time, fix such times and places for holding examinations of applicants as may be convenient, and adopt general rules and regulations prescribing the method of conducting examinations.

The governor, from time to time, upon the request of the director of licenses, shall appoint examining committees, composed of three persons possessing the qualifications provided by law to conduct examinations of applicants for licenses to practice the respective professions or callings for which licenses are required.

The committees shall prepare the necessary lists of examination questions, conduct the examinations, which may be either oral or written, or partly oral and partly written, and shall make and file with the director of licenses lists, signed by all the members conducting the examination, showing the names and addresses of all applicants for licenses who have successfully passed the examination, and showing separately the names and addresses of the applicants who have failed to pass the examination, together with all examination questions and the written answers thereto submitted by the applicants.

Each member of a committee shall receive twenty-five dollars per day for each day spent in conducting the examination and in going to and returning from the place of examination, and his actual and necessary traveling expenses, as provided for state officials and employees generally in chapter 43.03 RCW.

SEC. 4. Section 43.24.080, chapter 8, Laws of 1965 and RCW 43.24.080 are each amended to read as follows:

RCW 43.24.080 amended.

At the close of each examination the department of licenses shall prepare the proper licenses, where no further fee is required to be paid, and issue licenses to the successful applicants signed by the director and notify all successful applicants, where a further fee is required, of the fact that they are entitled to receive such license upon the payment of such further fee to the department of licenses and notify all applicants who have failed to pass the examination of that fact.

Issuance of licenses.

SEC. 5. Section 43.24.110, chapter 8, Laws of 1965 and RCW 43.24.110 are each amended to read as follows:

RCW 43.24.110 amended.

Whenever there is filed with the director of licenses any complaint charging that the holder of a license has been guilty of any act or omission which by the provisions of the law under which the license was issued would warrant the revocation thereof, verified in the manner provided by law, the director of licenses shall request the governor to appoint, and the governor shall appoint, two qualified practitioners of the profession or calling of the person charged, who, with the director or his duly appointed representative, shall constitute a committee to hear and determine the charges and, in case the charges are sustained, impose the penalty provided by law. The decision of any two members of such committee shall be the decision of the committee.

Revocation of licenses—Hearings.

Department of
licenses. Revo-
cation of li-
censes—
Hearings.

The appointed members of the committee shall receive twenty-five dollars per day for each day spent in the performance of their duties and in going to and returning from the place of hearing, and their actual and necessary traveling expenses, as provided for state officials and employees generally in chapter 43.03 RCW.

New section.

SEC. 6. There is added to chapter 8, Laws of 1965 and chapter 43.24 RCW a new section to read as follows:

Licensing du-
ties, deputies
may act.

The director may deputize one or more of his assistants to perform his duties with reference to refusal, revocation or suspension of licenses, including the power to preside at hearings and to render decisions therein subject to the approval of the director.

Repeal.

SEC. 7. The following act or parts of acts are hereby repealed:

(1) Section 43.24.050, chapter 8, Laws of 1965 and RCW 43.24.050.

(2) Section 43.24.070, chapter 8, Laws of 1965 and RCW 43.24.070.

(3) Section 43.24.100, chapter 8, Laws of 1965 and RCW 43.24.100.

Passed the Senate March 3, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 101.

[Senate Bill No. 150.]

PORT DISTRICTS—EXPENSES OF OFFICERS,
EMPLOYEES, COMMISSIONERS—REGULATIONS.

AN ACT relating to port districts and providing for the payment of expenses of port commissioners and employees incurred on behalf of the port district.

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

SECTION 1. *Reimbursement of expenses.* Employees, officers, and commissioners of port districts shall, when engaged in official business of the port district, be entitled to receive their necessary and reasonable travel and other business expenses incurred on behalf of the port district. Reimbursement of such expenses may be granted, whether incurred within or without the port district, when submitted on a voucher with appropriate evidence of payment by such employee or official.

Port districts.
Reimbursement of expenses—
Authorized.

SEC. 2. *Regulation of expenses.* Each port district shall adopt a resolution (which may be amended from time to time) which shall establish the basic rules and regulations governing methods and amount of reimbursement payable to such port officials and employees for travel and other business expenses incurred on behalf of the district. The resolution shall, among other things, establish procedures for approving such expenses; set forth the method of authorizing the direct purchase of transportation; the form of the voucher; and requirements governing the use of credit cards issued in the name of the port district. Such regulations may provide for payment of per diem in lieu of actual expenses when travel requires overnight lodging: *Provided*, That in all cases any per diem payment shall not exceed twenty-five dollars per day. The state auditor shall, as provided by general law, cooperate with the port district in

Regulation of expenses.

Port districts.
Expenses.

establishing adequate procedures for regulating and auditing the reimbursement of all such expenses.

Headings not
law.

SEC. 3. Section headings as used in this act do not constitute any part of the law.

Passed the Senate March 3, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 102.

[Senate Bill No. 157.]

PORT DISTRICTS—CONSOLIDATION.

AN ACT relating to port districts and providing for their consolidation; amending sections 1, 2, and 3, chapter 26, Laws of 1961 and RCW 53.46.010, 53.46.020, 53.46.030; and adding four new sections to chapter 26, Laws of 1961 and to chapter 53.46 RCW.

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

New section.

SECTION 1. There is added to chapter 26, Laws of 1961, and to chapter 53.46 RCW a new section to read as follows:

Port districts—
Consolidation.
Definitions.

As used in this chapter the term “principal county auditor” and “principal county treasurer” shall be the county auditor or county treasurer in the county having the largest assessed valuation of the total of the proposed consolidated port district.

RCW 53.46.010
amended.

SEC. 2. Section 1, chapter 26, Laws of 1961 and RCW 53.46.010 are each amended to read as follows:

Consolidation
authorized—
Petition or
resolution,
contents.

Two or more port districts may be joined into one consolidated port district in the following manner: The port commissioners of each of the port districts proposed to be consolidated may, or on petition of ten percent of the qualified electors residing within each of the districts proposed to be consolidated based on the total vote cast in the last general election,

shall, by joint resolution submit to the qualified electors of the port districts to be consolidated the proposition of consolidating such districts into one port district. Such resolution or petition in request thereof shall identify each port district to be consolidated, listing its assets and liabilities; state the name by which the port district resulting from the consolidation shall be known; legally describe each port commissioner district to be created within the port district resulting from the consolidation; state the terms and conditions, if any, under which the consolidation is proposed; and call a special election in the territory of the port districts to be consolidated, to determine whether such consolidation shall take place, and to fill the offices of the port commissioner of the port district resulting from the consolidation. The resolution or petition shall provide that the commission in the proposed district shall consist of three, five, or seven commissioners and that the number shall be approved by the voters at the time the proposition for consolidation is voted upon. The proposition in this respect shall provide that the commissioners shall be elected one each from commissioner districts which shall be described as set forth in this section, or if such districts are not so described then the commissioners shall be elected at large.

SEC. 3. Section 2, chapter 26, Laws of 1961 and RCW 53.46.020 are each amended to read as follows:

The special election to consider such consolidation and to fill such offices shall be conducted in accordance with the general election laws of the state. Each candidate for the port commission of the port district resulting from the consolidation shall, not more than forty-five nor less than thirty days prior to the election, file with the county auditor a declaration of candidacy for port commissioner from the port commissioner district in which he is a qualified voter.

RCW 53.46.020
amended.

Special election, conduct—
Declaration of
candidacy,
withdrawal—
Ballots.

Port districts—
Consolidation.
Special election, conduct—
Declaration of candidacy,
withdrawal—
Ballots.

If the proposed consolidated district will lie in two or more counties, candidates shall file with the principal county auditor. The principal county auditor in such case shall be election officer, and the county auditors of other counties having area within such proposed port district shall cooperate by providing such books and records and assisting as may be required in carrying out such election and all subsequent elections in any such consolidated port district. Any candidate may withdraw his declaration at any time within five days after the last day allowed for filing declaration of candidacy. There shall be no fee charged for filing a declaration of candidacy for port commissioner at this election. All names of candidates to be voted upon shall be printed upon the ballot alphabetically by port commissioner districts. Names of candidates printed upon the ballot need not be rotated.

RCW 53.46.030
amended.

Certification of
election—
Establishment
as municipal
corporation—
Commissioners, terms.

SEC. 4. Section 3, chapter 26, Laws of 1961 and RCW 53.46.030 are each amended to read as follows:

The county canvassing board of election returns shall certify the results of the election to the board of county commissioners; and if at such election a majority of voters voting on the question of consolidation in each port district to be consolidated shall vote in favor of consolidation, the board of county commissioners shall so declare, and the port district resulting from the consolidation shall then be and become a municipal corporation of the state of Washington. The county auditor shall in such event issue a certificate of election to the successful candidate from each port commissioner district. If the proposed district includes area in two or more counties, certificates of election shall be issued by the principal county auditor, and the canvassing board of elections shall be made up of the chairmen of the board of county commissioners, prosecutors, and the auditors of each county with area within the consolidated

port district. Of the successful port commissioner candidates, if three are elected, the one receiving the highest number of votes shall serve until his successor is elected and qualified at the third subsequent regular election for port commissioner, and the ones receiving the second and third highest numbers of votes shall serve until their successors are elected and qualified at the second and first subsequent regular elections for port commissioner, respectively. If five or seven commissioners are elected, the two with the greatest number of votes shall serve until their successors are elected and qualified at the third subsequent regular election of port commissioners, the two commissioners receiving the next highest number of votes shall serve until their successors are elected and qualified at the second subsequent regular election of port commissioners; and the remaining commissioner or commissioners shall serve until their successors are elected and qualified at the next regular election of port commissioners.

SEC. 5. There is added to chapter 26, Laws of 1961, and to chapter 53.46 RCW a new section to read as follows:

New section.

Upon consolidation of two or more port districts the title to all property owned by or held in trust for the former districts shall vest in the consolidated port district.

Title to property upon consolidation.

SEC. 6. There is added to chapter 26, Laws of 1961, and to chapter 53.46 RCW a new section to read as follows:

New section.

If the district includes area from two or more counties, it shall be the duty of the county assessor in each county to certify annually to the auditor of his county, who shall forward the same to the principal county auditor, the total assessed valuation of that part of the port district which lies within his county. The port commission of such consolidated

Consolidation within two or more counties. Assessing valuation for tax purposes.

Port districts—
Consolidation.
Within two or
more counties.
Assessing
valuation for
tax purposes.

port district shall certify to the principal county auditor the budget and the levies to be assessed for port purposes: *Provided*, That the amount of tax to be levied upon taxable property of that part of a port district lying in one county shall be in such ratio to the whole amount levied upon the property lying in the entire consolidated port district as the assessed valuation lying in such county bears to the assessed valuation of the property in the entire consolidated port district.

Thereafter the principal county auditor shall forward a certificate to each county auditor, for the county commissioners thereof, which shall specify the proportion of taxes to be levied for port district purposes.

New section.

SEC. 7. There is added to chapter 26, Laws of 1961, and to chapter 53.46 RCW a new section to read as follows:

—Levy,
collection, dis-
position of tax.

Upon receipt of the certificate from the principal county auditor as provided in section 6 of this amendatory act it shall be the duty of the board of county commissioners of each county to levy on all taxable property of the consolidated port district which lies within the county a tax sufficient to raise the amount necessary to meet the county's proportionate share of the total tax levy. Such taxes shall be levied and collected in the same manner as other taxes are levied and collected. The proceeds shall be forwarded quarterly by the treasurer of each county to the principal county treasurer. The principal county treasurer shall place to the credit of said consolidated port district all funds received from the other county treasurers as well as those amounts he shall have collected for the account of the port district. The principal county treasurer shall be the treasurer of the consolidated port district and shall perform all functions required of a treasurer of a port district.

SEC. 8. Any port district created by consolidation prior to the effective date of this amendatory act, or formed hereafter under this amendatory act, shall have all the powers of a newly formed port district, without any other restriction except the requirements of RCW 53.46.040: *Provided*, That general obligation indebtedness outstanding for all port purposes within the area of the consolidated port shall not exceed the limits of RCW 53.36.030, and for purpose of computing such bonded debt, the bonds outstanding of all port agencies shall be considered.

Consolidated districts' rights and limitations.

Passed the Senate March 3, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 103.

[Senate Bill No. 158.]

SCHOOL DIRECTORS' ASSOCIATION—DUES.

AN ACT relating to education; limiting the total dues assessment by the school directors' association; and amending section 5, chapter 169, Laws of 1947 as last amended by section 1, chapter 281, Laws of 1957 and RCW 28.58.360.

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

SECTION 1. Section 5, chapter 169, Laws of 1947 as last amended by section 1, chapter 281, Laws of 1957 and RCW 28.58.360 are each amended to read as follows:

RCW 28.58.360 amended.

The school directors' association may establish a graduated schedule of dues for members of the association based upon the number of certificated personnel in each district. Dues shall be established for the directors of each district as a group. The total of all dues assessed shall not exceed twenty cents for each one thousand dollars of the state-wide total of all school districts' general fund receipts. The board

School directors' association. Dues—Payment.

School directors' association. Dues—Payment.

of directors of a school district shall make provision for payment out of the general fund of the district of the dues of association members resident in the district, which payment shall be made in the manner provided by law for the payment of other claims against the general fund of the district. The dues for each school district shall be due and payable on the first day of January of each year, and if not paid by any district before the thirty-first day of December of any year the executive committee of the association may present a written request to the county auditor that such payment be made by him by transfer of funds from the general fund of the district. Upon receipt of such request the county auditor shall make such transfer.

Passed the Senate March 3, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 104.

[Senate Bill No. 163.]

LAKES—NAMING—DESIGNATIONS.

AN Act relating to certain lakes; officially naming them, and requiring their proper designation.

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

Lakes, renaming of. Name similarity noted.

SECTION 1. At present the state of Washington encloses over fifteen lakes each with the name "Long Lake". The confusion resulting from this large number of similarly named lakes can be lessened by renaming certain of them with names which tend to locate, rather than describe them.

One of the lakes named "Long Lake" is an artificial lake created by a dam located at township 27, North Range 39e, section 13. This lake extends twenty-four miles upstream along the Spokane river.

SEC. 2. The lake created by the dam located at township 27, North Range 39e, section 13 is hereby named "Lake Spokane" and shall be so designated in all literature published by the state wherein it is necessary and proper to refer to that body of water.

"Long Lake" near Spokane river renamed "Lake Spokane."

SEC. 3. Similar confusion exists also with regard to "Conconully Lake" in Okanogan county. Such lake is hereby officially named "Conconully Lake" and shall be so designated in all literature published by the state wherein it is necessary and proper to refer to that body of water.

"Conconully Lake" in Okanogan county named.

SEC. 4. The proper local officials are directed and it shall be their duty to provide and install, change or alter, all necessary or existing designations of such bodies of water to make them conform to the provisions of this act.

Local officials to expedite changes.

Passed the Senate March 3, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 105.

[Senate Bill No. 171.]

CITIES AND TOWNS—COMPENSATION OF OFFICERS.

AN ACT relating to compensation of city and town officers; amending sections 35.24.090 and 35.27.130, chapter 7, Laws of 1965 and RCW 35.24.090 and 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 and RCW 35.24.090 are each amended to read as follows:

RCW 35.24.090 amended.

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

Third class cities—Compensation of officers—Expenses.

Third class cities—Com-
pensation of
officers—
Expenses.

thereof, by resolution of the city council; and each city councilman may be paid for attending council meetings an amount not exceeding twenty dollars per meeting for not more than two such meetings each month, as the city council may fix by ordinance.

The city attorney, clerk and treasurer, if elective, shall severally receive at stated times a compensation to be fixed by ordinance by the city council, which compensation shall not be increased or diminished after their election, or during their several terms of office.

The mayor and other officers shall receive such compensation as may be fixed by the city council at the time the estimates are made as provided by law.

RCW 35.27.130
amended.

SEC. 2. Section 35.27.130, chapter 7, Laws of 1965 and RCW 35.27.130 are each amended as follows:

Towns—Com-
pensation of
officers—
Expenses.

The mayor and members of the town council may be reimbursed for actual expenses incurred in the discharge of their official duties upon presentation of a claim therefor and its allowance and approval by resolution of the town council. The mayor and members of the council may also receive such salary not exceeding twenty dollars per meeting for not more than two council meetings per month as the council may fix by ordinance.

The treasurer and treasurer-clerk shall severally receive at stated times a compensation to be fixed by ordinance which compensation shall not be increased or diminished after their election nor during their terms of office.

The compensation of all other officers shall be fixed from time to time by the council.

Passed the Senate March 3, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 106.

[Senate Bill No. 172.]

CITIES AND TOWNS—ADVANCEMENT IN CLASSIFICATION—PROCEDURE.

AN ACT relating to advancement in classification of cities and towns; and amending section 35.06.080, chapter 7, Laws of 1965 and RCW 35.06.080.

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

SECTION 1. Section 35.06.080, chapter 7, Laws of 1965 and RCW 35.06.080 are each amended to read as follows:

RCW 35.06.080 amended.

The first election of officers of the new corporation after such proceedings shall be at the next general municipal election or at a special election to be called for that purpose, and the officers of the old corporation shall remain in office until the officers of the new corporation are elected and qualified; and the ordinances, bylaws, and resolutions adopted by the old corporation shall, as far as consistent with the provisions of this title, continue in force until repealed by the council of the new corporation; and the council and officers of the old corporation shall, upon demand, deliver to the proper officers of the new corporation all books of record, documents, and papers in their possession belonging to the old corporation.

Cities and towns—Advancement of classification—Election of new officers.

Passed the Senate March 7, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 107.

[Senate Bill No. 173.]

CITIES OF THIRD AND FOURTH CLASSES—
COUNCIL MEETINGS.

AN ACT relating to third and fourth class municipalities; amend-
ing section 35.24.200, chapter 7, Laws of 1965 and RCW 35-
.24.200; and amending section 35.27.280, chapter 7, Laws of
1965 and RCW 35.27.280.

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

RCW 35.24.200
amended.

SECTION 1. Section 35.24.200, chapter 7, Laws of
1965 and RCW 35.24.200 are each amended to read as
follows:

Third class
cities.
City council—
Quorum—
Rules—Jour-
nal—Mayor
votes, when.

At all meetings of the city council, a majority
of the councilmen shall constitute a quorum for the
transaction of business, but a less number may ad-
journ from time to time and may compel the atten-
dance of absent members in such manner and under
such penalties as may be prescribed by ordinance.

All meetings of the council shall be presided over
by the mayor, or, in his absence, by the mayor pro
tempore. The mayor shall have a vote only in the
case of a tie in the votes of the councilmen. If the
clerk is absent from a council meeting the mayor
or mayor pro tempore shall appoint one of the mem-
bers of the council as clerk pro tempore. The ap-
pointment of a councilman as mayor pro tempore or
clerk pro tempore shall not in any way abridge his
right to vote upon all questions coming before the
council.

The city council may establish rules for the con-
duct of their proceedings and punish any member
or other person for disorderly behavior at any meet-
ing.

The clerk shall keep a correct journal of all pro-
ceedings and at the desire of any member the ayes
and noes shall be taken on any question and entered
in the journal.

SEC. 2. Section 35.27.280, chapter 7, Laws of 1965 and RCW 35.27.280 are each amended to read as follows:

RCW 35.27.280 amended.

A majority of the councilmen shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

Towns. Town council—
Quorum—
Rules—Journal—
Mayor votes, when.

The mayor shall preside at all meetings of the council. The mayor shall have a vote only in case of a tie in the votes of the councilmen. In the absence of the mayor the council may appoint a president pro tempore; in the absence of the clerk, the mayor or president pro tempore, shall appoint one of the council members as clerk pro tempore. The council may establish rules for the conduct of its proceedings and punish any members or other person for disorderly behavior at any meeting. At the desire of any member, the ayes and noes shall be taken on any question and entered in the journal.

Passed the Senate March 7, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 108.

[Senate Bill No. 174.]

CITIES OF THIRD AND FOURTH CLASSES— POLICE JUDGES PRO TEMPORE.

AN ACT relating to the appointment of a police judge pro tempore in third class cities and towns; and adding a new section to chapter 35.24 RCW, and a new section to chapter 35.27 RCW and to chapter 7, Laws of 1965.

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

SECTION 1. There is added to chapter 35.24 RCW and to chapter 7, Laws of 1965 a new section to read as follows:

New section.

Third class
cities. Police
judge pro
tempore.

In the event of the police judge's inability to act, or during any temporary absence, or if he should be disqualified, the mayor shall appoint a police judge pro tempore, who, before entering upon the duties of such office, shall take and subscribe an oath as other judicial officers, and while so acting, he shall have all the power of the police judge: *Provided*, That such appointment shall not continue for a longer period than the absence or inability of the police judge. Such police judge pro tempore shall receive such compensation for such services as shall be fixed by ordinance of the legislative body of the city, to be paid by the city.

New section.

SEC. 2. There is added to chapter 35.27 RCW and to chapter 7, Laws of 1965 a new section to read as follows:

Towns. Police
judge pro
tempore.

In the event of the police judge's inability to act, or during any temporary absence, or if he should be disqualified, the mayor shall appoint a police judge pro tempore, who, before entering upon the duties of such office, shall take and subscribe an oath as other judicial officers, and while so acting, he shall have all the power of the police judge: *Provided*, That such appointment shall not continue for a longer period than the absence or inability of the police judge. Such police judge pro tempore shall receive such compensation for such services as shall be fixed by ordinance of the legislative body of the town, to be paid by the town.

Passed the Senate March 3, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 109.

[Senate Bill No. 176.]

FIREMEN'S RELIEF AND PENSIONS—DISABILITY.

AN ACT relating to firemen's relief and pensions; and amending section 9, chapter 382, Laws of 1955 as amended by section 5, chapter 255, Laws of 1961 and RCW 41.18.080.

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

SECTION 1. Section 9, chapter 382, Laws of 1955 as amended by section 5, chapter 255, Laws of 1961 and RCW 41.18.080 are each amended to read as follows:

RCW 41.18.080 amended.

Any fireman who has completed his probationary period and has been permanently appointed, and sustains a disability not in the performance of his duty which renders him unable to continue his service, may request to be retired by filing a written request with his retirement board within sixty days from the date of his 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 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 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 shall be retired upon expiration of said notice. Upon retirement he shall receive a pension equal to fifty percent of his basic salary. For a period of ninety days following such disability the fireman shall receive an allowance from the fund equal to his basic salary. He shall during said ninety days be provided with such medical, hospital, and nursing care as the board deems proper. No funds

Firemen's relief and pensions. Payment upon disability not in line of duty.

Firemen's relief and pensions. Payment upon disability not in line of duty.

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 shall receive a monthly pension equal to one-third of his basic salary until remarried; if such widow has dependent upon her for support a child or children of such deceased fireman, 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, monthly payments equal to one-third of the deceased fireman's basic salary shall be made to his child or children. The widow 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, 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.

Passed the Senate March 8, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 110.

[Senate Bill No. 182.]

CITIES AND TOWNS—SEWERAGE SYSTEMS.

AN ACT relating to systems of sewerage of cities and towns; amending section 35.67.010, chapter 7, Laws of 1965 and RCW 35.67.010; and repealing section 35.67.192, chapter 7, Laws of 1965 and RCW 35.67.192.

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

SECTION 1. Section 35.67.010, chapter 7, Laws of 1965 and RCW 35.67.010 are each amended to read as follows:

RCW 35.67.010 amended.

A "system of sewerage" means and includes:

- (1) Sanitary sewage disposal sewers;
- (2) Combined sanitary sewage disposal and storm or surface water sewers;
- (3) Storm or surface water sewers;
- (4) Outfalls for storm or sanitary sewage and works, plants, and facilities for sanitary sewage treatment and disposal, or
- (5) Any combination of or part of any or all of such facilities.

City and town sewerage system. Definitions—"System of sewerage," "public utility."

The words "public utility" when used in this chapter shall have the same meaning as the words "system of sewerage."

Sec. 2. Section 35.67.192, chapter 7, Laws of 1965 and RCW 35.67.192 are each repealed.

Repeal.

Passed the Senate March 3, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 111.

[Senate Bill No. 200.]

PUBLIC FUNDS—INVESTMENTS.

AN ACT relating to investment of funds and service fees; amending section 1, chapter 123, Laws of 1961 and RCW 28.58.440; amending section 11, chapter 176, Laws of 1963 and RCW 32.12.100; and amending section 36.29.020, chapter 4, Laws of 1963 and RCW 36.29.020.

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

RCW 28.58.440 amended.

SECTION 1. Section 1, chapter 123, Laws of 1961 and RCW 28.58.440 are each amended to read as follows:

Investing public funds. School districts. Investment of funds of district not needed for immediate necessities—Service fee.

The county treasurer, or the trustee, guardian, or any other custodian of any school fund shall, when authorized to do so by the board of directors of any school district, invest or reinvest any school funds of such district in savings or time accounts in banks, trust companies and mutual savings banks which are doing business in this state, up to the amount of insurance afforded such accounts by the Federal Deposit Insurance Corporation, or in accounts in savings and loan associations which are doing business in this state, up to the amount of insurance afforded such accounts by the Federal Savings and Loan Insurance Corporation, or any obligations, securities, certificates, notes, bonds, or short term securities or obligations, of the United States. The county treasurer shall have the power to select the particular investment in which said funds may be invested. All earnings and income from such investments shall inure to the benefit of any school fund designated by the board of directors of the school district which such board may lawfully designate: *Provided*, That any interest or earnings being credited to a fund different from that which earned the interest or earnings shall only be expended for instructional sup-

plies, equipment or capital outlay purposes. This section shall apply to all funds which may be lawfully so invested or reinvested which in the judgment of the school board are not required for the immediate necessities of the district.

Five percent of the interest or earnings, with an annual minimum of ten dollars or annual maximum of fifty dollars, on any transactions authorized by each resolution of the board of school directors shall be paid as an investment service fee to the office of county treasurer when the interest or earnings becomes available to the school district.

SEC. 2. Section 36.29.020, chapter 4, Laws of 1963 and RCW 36.29.020 are each amended to read as follows:

RCW 36.29.020 amended.

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 county 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

Counties. Custodian of moneys—Investment of funds not required for immediate expenditures, service fee.

Investing public funds. Counties

short term United States government securities: *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 county treasurer or other municipal corporation treasurer when the interest or earnings become available to the governing body.

RCW 32.12.100 amended.

SEC. 3.. Section 11, chapter 176, Laws of 1963 and RCW 32.12.100 are each amended to read as follows:

Mutual savings banks. Deposits or investment of public funds.

Any funds of the state and of any municipal corporation, taxing district, political subdivision, or political entity thereof, and any funds held in trust by or under the management of any of the above may be deposited or invested in a mutual savings bank.

All the deposits or investments must be fully insured by the federal deposit insurance corporation.

Passed the Senate March 5, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 112.

[Senate Bill No. 202.]

FIRE PROTECTION DISTRICTS.

AN ACT relating to fire districts and fire district commissioners; amending section 22, chapter 34, Laws of 1939 as last amended by section 4, chapter 237, Laws of 1959 and RCW 52.12.010; and amending section 30, chapter 34, Laws of 1939 and RCW 52.12.080.

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

RCW 52.12.010 amended.

SECTION 1. Section 22, chapter 34, Laws of 1939 as last amended by section 4, chapter 237, Laws of 1959 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 shall receive no compensation for their services, but shall receive necessary expenses in attending meetings of the board or when otherwise engaged on district business, and may participate in insurance available to all firemen of the district: *Provided*, That in any district which has a fire department employing personnel on a full time, fully paid basis, fire commissioners, in addition to expenses as aforesaid, may each receive not to exceed ten dollars per day or thirty dollars per month for attendance at board meetings and for performance of other services in behalf of the district to be fixed by resolution and entered in the minutes of the proceedings of the board.

Fire district
commissioners.
Number—
Qualifications
—Compensation—
Terms—
Volunteer fire-
men's rights,
when.

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. Only 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.

SEC. 2. Section 30, chapter 34, Laws of 1939 and RCW 52.12.080 are each amended to read as follows:

RCW 52.12.080
amended.

The fire commissioners shall organize as a board and shall elect a chairman from their number and shall appoint a secretary of the district, who may or may not be a member of the board, for such term as they shall by resolution determine, but if serving as member of the board shall not receive additional compensation for serving as secretary. The secretary of the district shall keep a record of the proceedings

Chairman—
Secretary, no
compensation
if member—
Duties and
oath.

Fire district commissioners.

of the board and shall perform such other duties as shall be prescribed by the board or by law, and shall take and subscribe an official oath similar to that taken and subscribed by the fire commissioners which oath shall be filed in the same office as that of the commissioners.

Passed the Senate March 7, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 113.

[Senate Bill No. 213.]

COUNTIES—CONTRACTS—PURCHASES—BIDS.

AN ACT relating to county contracts; amending section 36.32.250, chapter 4, Laws of 1963 and RCW 36.32.250.

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

RCW 36.32.250 amended.

SECTION 1. Section 36.32.250, chapter 4, Laws of 1963 and RCW 36.32.250 are each amended to read as follows:

County contracts. Procedure in awarding contracts—Contractor's bond—Bid deposit, forfeiture when.

No contract or purchase shall be entered into by the board of county commissioners or by any elected or appointed officer of such county until after bids have been submitted to the board of county commissioners upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the board for public inspection, and an advertisement thereof stating the date after which bids will not be received, the character of the work to be done, or material, equipment, or service to be purchased, and that specifications therefor may be seen at the office of the clerk of the board, shall be published in the county official newspaper. Such advertisement shall be published at least once in each week for two consecutive weeks prior to the last date upon

which bids will be received and as many additional publications as shall be determined by the board. The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at a meeting of the board on the date named therefor in said advertisement, and after being opened, shall be filed for public inspection. No bid shall be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five per cent of the amount of the bid proposed. The contract for the public work or purchase shall be awarded to the lowest responsible bidder; taking into consideration the quality of the articles or equipment to be purchased. Any or all bids may be rejected for good cause. The board shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law. Should the bidder to whom the contract is awarded fail to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the board. In the letting of any contract or purchase involving less than one thousand dollars advertisement and competitive bidding may be dispensed with on order of the board of county commissioners. Notice of intention to let contracts or to make purchases involving amounts exceeding one hundred dollars and less than one thousand dollars, shall be posted by the board of county commissioners on a bulletin board in its office not less than three days prior to making such purchase or contract. Wherever pos-

County contracts.

sible, supplies shall be purchased in quantities for a period of at least three months, and not to exceed one year. Supplies generally used throughout the various departments shall be standardized insofar as possible.

Passed the Senate March 7, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 114.

[Senate Bill No. 219.]

CITIES AND TOWNS—PUBLIC WORKS—PURCHASES—BIDS.

AN ACT relating to cities and towns; amending section 35.23.352, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35-.23.352.

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

RCW 35.23.352 amended.

SECTION 1. Section 35.23.352, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.23.352 are each amended to read as follows:

Second and third class cities, towns—Contracts, purchases—Advertising—Call for bids—Bid proposal deposits, forfeiture of—Exceptions.

Any city or town of the second, third or fourth class may construct any public work or improvement by contract or day labor without calling for bids therefor whenever the estimated cost of such work or improvement, including cost of materials, supplies and equipment will not exceed the sum of five thousand dollars. Whenever the cost of such public work or improvement, including materials, supplies and equipment, will exceed five thousand dollars, the same shall be done by contract. All such contracts shall be let at public bidding upon posting notice calling for sealed bids upon the work. Such notice thereof shall be posted in a public place in the city or town and by publication in the official newspaper

once each week for two consecutive weeks before the date fixed for opening the bids. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city hall for public inspections, and require that bids be sealed and filed with the council or commission within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. If there is no official newspaper the notice shall be published in a newspaper published or of general circulation in the city or town. The city council or commission of the city or town shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call, or if in its judgment the improvement or work, including the purchase of supplies, material and equipment, can be done by the city at less cost than the lowest bid submitted it may do so without making a further call for bids or awarding any contract therefor and in such case all such bid proposal deposits shall be returned to the bidder; but if the contract is let then all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond to perform the work furnished, with surety satisfactory to the council or commission, in the full amount of the contract price. If the bidder fails to enter into the contract in accordance with his bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council or commission or the

Second and third class cities, towns—Contracts, purchases—Advertising—Call for bids—Bid proposal deposit, forfeiture of—Exceptions.

council or commission shall recover the amount of the surety bond. If no bid is received on the first call the city council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform such work or improvement by day labor.

Any purchase of supplies, material, equipment or services, except for public work or improvement, where the cost thereof exceeds two thousand dollars shall be made upon call for bids in the same method and under the same conditions as required herein on a call for bids for public work or improvement.

Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper published or of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

Passed the Senate March 8, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 115.

[Senate Bill No. 220.]

CONVEYANCE OF LANDS IN WALLA WALLA COUNTY.

AN Act authorizing the conveyance of certain lands in Walla Walla county to Percy M. Aldrich and Arlene K. Aldrich, husband and wife.

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

SECTION 1. Upon the payment to the state of Washington of the sum of two thousand eight hundred and eighty-three dollars, which sum shall be deposited to the account of the state general fund

Public lands. Conveyance of in Walla Walla county.

when received by the treasurer of the state of Washington, the director of the state department of institutions is authorized and directed to certify to the governor and secretary of state that such payment has been made on the following described real property in Walla Walla county, Washington: That portion of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Section 5, Township 7 North, Range 37, EWM, lying north and west of the Northern Pacific Railway Company's right of way, consisting of eight acres, more or less; and the governor is hereby authorized and directed forthwith to execute and the secretary of state is authorized and directed forthwith to attest a deed conveying said lands to Percy M. Aldrich and Arlene K. Aldrich, his wife.

Passed the Senate March 7, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 116.

[Senate Bill No. 221.]

CLAIMS AGAINST MUNICIPAL CORPORATIONS AND POLITICAL SUBDIVISIONS.

AN ACT relating to claims against municipal corporations and political subdivisions; prescribing penalties; and repealing section 1, chapter 126, Laws of 1891 and RCW 42.24.010, section 3, chapter 126, Laws of 1891 and RCW 42.24.020, section 1, chapter 339, Laws of 1955 as last amended by section 1, chapter 205, Laws of 1961 and RCW 42.24.030, section 9, chapter 76, Laws of 1909 as last amended by section 1, chapter 185, Laws of 1939 and RCW 42.24.040, section 1, chapter 65, Laws of 1899 as last amended by section 1, chapter 104, Laws of 1929 and RCW 42.24.050, and section 2, chapter 65, Laws of 1899 as amended by section 2, chapter 104, Laws of 1929 and RCW 42.24.060.

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

SECTION 1. All claims presented against any county, city, district or other municipal corporation

Claims, auditing and payment.

Municipal corporations and political subdivisions, claims against, contractual, auditing and payment. Forms—Authentication and certification.

or political subdivision by persons furnishing materials, rendering services or performing labor, or for any other contractual purpose, shall be audited, before payment, by an auditing officer elected or appointed pursuant to statute or, in the absence of statute, an appropriate charter provision, ordinance or resolution of the municipal corporation or political subdivision. Such claims shall be prepared for audit and payment on a form and in the manner prescribed by the division of municipal corporations in the state auditor's office. The form shall provide for the authentication and certification by such auditing officer that the materials have been furnished, the services rendered or the labor performed as described, and that the claim is a just, due and unpaid obligation against the municipal corporation or political subdivision; and no claim shall be paid without such authentication and certification: *Provided*, That the certificates as to claims of officers and employees of a county, city, district or other municipal corporation or political subdivision, for services rendered, shall be made by the person charged with the duty of preparing and submitting vouchers for the payment of services, and he shall certify that the claim is just, true and unpaid, which certificate shall be part of the voucher.

Officers and employees, reimbursement for expenses—Certification—Form.

SEC. 2. No claim for reimbursement of any expenditures by officers or employees of any municipal corporation or political subdivision of the state for transportation, lodging, meals or any other purpose shall be allowed by any officer, employee or board charged with auditing accounts unless the same shall be presented in a detailed account: *Provided*, That, unless otherwise authorized by law, the legislative body of any municipal corporation or political subdivision of the state may prescribe by ordinance or resolution the amounts to be paid officers or employ-

ees thereof as reimbursement for the use of their personal automobiles or other transportation equipment in connection with officially assigned duties and other travel for approved public purposes, or as reimbursement to such officers or employees in lieu of actual expenses incurred for lodging, meals or other purposes. The rates for such reimbursements may be computed on a mileage, hourly, per diem or other basis as the respective legislative bodies shall determine to be proper in each instance.

All claims for reimbursement authorized under this section shall be duly certified by the officer or employee submitting such claims on forms and in the manner prescribed by the division of municipal corporations in the office of the state auditor.

SEC. 3. The certificates required by this act need not be sworn, but any person certifying a claim or making a claim knowing the same to be false or untrue shall be guilty of perjury in the second degree.

Certificate need not be sworn—Penalty for false claim.

SEC. 4. Any person who knowingly approves or pays or causes to be approved or paid a false or untrue claim shall be guilty of a gross misdemeanor and, in addition, he shall be civilly liable on his bond to the municipal corporation or political subdivision, as the case may be, for the amount so paid or for three hundred dollars whichever is the greater.

Approving, paying false claim—Civil, criminal liability.

SEC. 5. The following acts or parts of acts are repealed:

Repeal.

(1) Section 1, chapter 126, Laws of 1891 and RCW 42.24.010;

(2) Section 3, chapter 126, Laws of 1891 and RCW 42.24.020;

(3) Section 1, chapter 339, Laws of 1955 as last amended by section 1, chapter 205, Laws of 1961 and RCW 42.24.030;

(4) Section 9, chapter 76, Laws of 1909 as last

Municipal corporations and political subdivisions, claims against, contractual, auditing and payment.

amended by section 1, chapter 185, Laws of 1939 and RCW 42.24.040;

(5) Section 1, chapter 65, Laws of 1899 as last amended by section 1, chapter 104, Laws of 1929 and RCW 42.24.050; and

(6) Section 2, chapter 65, Laws of 1899 as amended by section 2, chapter 104, Laws of 1929 and RCW 42.24.060.

Passed the Senate March 7, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 117.

[Senate Bill No. 224.]

MOTOR VEHICLE WRECKERS—ENCLOSURE OF PREMISES.

AN ACT relating to motor vehicles and persons engaged in the dismantling and wrecking thereof; and amending section 46.80.130, chapter 12, Laws of 1961 and RCW 46.80.130.

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

RCW 46.80.130 amended.

SECTION 1. Section 46.80.130, chapter 12, Laws of 1961 and RCW 46.80.130 are each amended to read as follows:

Motor vehicle wreckers. Place of business must be exclusively used—Fence or hedge required.

It shall be unlawful for any motor vehicle wrecker to keep any motor vehicle or any integral part thereof in any place other than the established place of business, designated in the certificate issued by the director of licenses, without permission of the director, and all premises containing such motor vehicles or parts thereof shall be enclosed by a wall or fence of such height as to obscure the nature of the business carried on therein where and to the extent reasonably permitted by the topography of the land, painted or stained a neutral shade which shall blend in with the surrounding premises, such wall or fence

to be kept in good repair. A living hedge of sufficient density to prevent a view of the confined area may be substituted for such a wall or fence. Any dead or dying portion of such hedge shall be replaced.

Passed the Senate March 7, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 118.

[Senate Bill No. 232.]

CITIES AND TOWNS—BONDS.

AN ACT relating to cities and towns; and amending sections 35.67.110 and 35.92.080, chapter 7, Laws of 1965 and RCW 35.67.110 and 35.92.080.

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

SECTION 1. Section 35.67.110, chapter 7, Laws of 1965 and RCW 35.67.110 are each amended to read as follows:

There shall be levied each year upon all taxable property within the city or town a tax sufficient to pay the interest on the bonds and the principal thereof as the same matures. These taxes shall become due and collectible as other taxes. In addition thereto the city or town legislative body, may set aside into a special fund and pledge to the payment of such principal and interest any sums or amounts which may accrue from the collection of service rates and charges for the private and public use of said sewerage system or systems for the collection and disposal of refuse, in excess of the cost of operation and maintenance thereof as constructed or added to, and the same shall be applied solely to the payment of such interest and bonds. Such pledge of revenue shall constitute a binding obligation, according to its

RCW 35.67.110 amended.

City and towns. Sewerage systems. General indebtedness—Payment of bonds—Tax levy—Pledge of earnings, binding obligation.

City and towns. Sewerage system.

terms, to continue the collection of such revenue so long as such bonds or any of them are outstanding. If the rates and charges are sufficient to meet the debt service requirements on such bonds no general tax need be levied.

RCW 35.92.080 amended.

SEC. 2. Section 35.92.080, chapter 7, Laws of 1965 and RCW 35.92.080 are each amended to read as follows:

Municipal utilities. General indebtedness bonds—Tax levy for—Pledge of earnings, binding obligation.

When the voters have adopted a proposition for any public utility and have authorized a general indebtedness, general city or town bonds may be issued. The bonds shall be registered or coupon bonds; issued in denominations of not less than one hundred nor more than one thousand dollars; numbered from one up consecutively; bear the date of their issue; payable not more than twenty years from date; and bear interest not exceeding six percent per year, payable semiannually, with interest coupons attached, and the principal and interest shall be made payable at such place as may be designated. The bonds and each coupon shall be signed by the mayor and attested by the clerk under the seal of the city or town.

There shall be levied each year a tax upon the taxable property of the city or town sufficient to pay the interest and principal of the bonds then due, which taxes shall become due and collectible as other taxes: *Provided*, That it may pledge to the payment of such principal and interest the revenue of the public utility being acquired, constructed, or improved out of the proceeds of sale of such bonds. Such pledge of revenue shall constitute a binding obligation, according to its terms, to continue the collection of such revenue so long as such bonds or any of them are outstanding, and to the extent that revenues are insufficient to meet the debt service requirements on such bonds, the governing body of the municipality shall provide for the levy of taxes sufficient to meet such deficiency.

The bonds shall be printed and engraved, or lithographed, on good bond paper. The bonds shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town. A register shall be kept of all the bonds, which shall show the number, date, amount, interest, to whom delivered—if coupon bonds—and the name of the payee—if registered bonds; and when and where payable, and each bond issued or sold.

Cities and towns—Municipal utilities.

Passed the Senate March 7, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 119.

[Senate Bill No. 240.]

TOWNSHIPS—CEMETERIES—JOINT ACQUISITION AND MAINTENANCE.

AN ACT relating to power of townships to jointly maintain cemeteries; adding a new section to chapter 167, Laws of 1953 and to chapter 45.12 RCW.

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

SECTION 1. There is added to chapter 167, Laws of 1953 and to chapter 45.12 RCW, a new section to read as follows:

New section.

Two or more townships may agree, contract or combine for the purpose of acquiring, operating and maintaining a public cemetery or cemeteries, and may enter into any necessary negotiations, contracts or agreements with the state or any political subdivision thereof, the federal government or any agency thereof, or any private individual, corporation, partnership or unincorporated association for

Townships—Cemeteries. two or more townships can acquire and maintain—Contract with other public or private body.

the joint purchase, operation and maintenance of such public cemetery or cemeteries.

Passed the Senate March 7, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 120.

[Senate Bill No. 247.]

DIKING IMPROVEMENT DISTRICTS.

AN ACT relating to diking improvement districts; increasing the compensation of election officials thereof; and amending section 20, chapter 176, Laws of 1913 as last amended by section 1, chapter 338, Laws of 1955 and RCW 85.08.300.

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

RCW 85.08.300 amended.

SECTION 1. Section 20, chapter 176, Laws of 1913 as last amended by section 1, chapter 338, Laws of 1955 and RCW 85.08.300 are each amended to read as follows:

Diking, drainage and sewerage improvement districts. Supervisors—Election—Terms—Duties.

At the election, two electors of the county owning land in the district shall be elected, who, with the district engineer, shall constitute the first board of supervisors of the district. The supervisors shall have charge of the construction and maintenance of the systems of improvements, subject to the limitations hereinafter set forth, and may employ a superintendent of construction and maintenance who may be one of the two elected supervisors. The elected supervisors may be employed upon the construction or maintenance, receiving the same compensation as other labor of like character. The engineer shall receive compensation for his services as supervisor in the maintenance of the system at the per diem rate allowed him for other work; and if he is a salaried officer the compensation shall be a charge against the district in favor of the engineer's office.

The term of office of each elected district supervisor shall be four years, and until his successor is elected and qualified except that the terms of those chosen at the first election in each district shall be as follows: The one receiving the highest number of votes shall serve for a period ending four years after the first Monday of January of the first odd-numbered year following the election; and the one receiving the second highest number of votes shall serve for a period ending two years after the first Monday of January of the first odd-numbered year following the election. Elections after the first election in a district shall be held biennially on the fourth Tuesday of November in the even-numbered years, except that where the first election is in an odd-numbered year no election shall be held in the next even-numbered year. Terms of office shall begin on the first Monday of January next following the election, except that the terms of the supervisors elected at the first election shall begin immediately on their qualifying. Every duly elected supervisor shall qualify in the same manner as other county officers. A vacancy on the board shall be filled by a district elector appointed by the board of county commissioners.

Elections, except for the first election as provided in RCW 85.08.290, shall be conducted by the board of supervisors of such district, who shall prepare the ballot therefor. The expenses of the election shall be defrayed by the district, and the judges, clerks and inspectors of the election shall each receive not to exceed the sum of fifteen dollars per day for services so rendered. At least thirty days before the election the district supervisors shall post notice thereof in four public places in the district, and publish notice of the election at least once in a legal newspaper published in the district, or if none is published therein, then in a legal newspaper in the county in which the

Diking, drainage and sewerage improvement districts. Supervisors—Election—Terms—Duties.

district is situated. Such notice shall contain the names of the two judges and one inspector of the election, who shall be electors of the district appointed by the supervisors. The supervisors may declare the entire district as one precinct and shall designate in the notice of election the number and places of voting. The supervisors shall meet on the day following the election and canvass the votes, declare the results, and issue the certificates of election.

When a district contains not more than five hundred acres, or when a petition is presented to the board of county commissioners signed by the owners of fifty percent of the acreage of the district praying for such action, the district engineer shall act as supervisor of the district; and in such case the allowance of all claims against the district shall be by the county commissioners.

Passed the Senate March 3, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 121.

[Senate Bill No. 274.]

COUNTY ARTERIAL HIGHWAYS—FARM TO MARKET
ROADS—BONDS.

AN ACT relating to county arterial highways and farm to market roads in Grant, Franklin and Adams counties; providing for the issuance, sale and retirement of motor vehicle bonds; providing for reimbursement of costs by said counties; making an appropriation; and declaring an emergency.

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

SECTION 1. Construction of county arterial highways and farm to market roads in Grant, Franklin and Adams counties to coincide with the opening of additional lands for settlement in the Columbia

Farm to market roads. Public safety requires.

Basin irrigation project, is declared to be a project required in the interest of the public safety and for the orderly development of the state.

SEC. 2. To provide funds for construction of this project, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of one million eight hundred and fifty thousand dollars.

Limited obligation bonds to finance—Committee control.

The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the director of highways, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of this project.

SEC. 3. Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption 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 signatures may be printed facsimile. The coupons attached to the 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 under authority of this act shall be fully negotiable instruments.

Bonds—Maturity—Prior redemption—Signatures—Registration—Payable, where—Negotiable instruments.

SEC. 4. Bonds issued under the provisions of this act shall distinctly state that they are not a general

Bonds—Not state general obligation.

Farm to market roads.
Bonds—Not state general obligation—Excise taxes pledged.

obligation of the state, but are payable in the manner provided in this act from the proceeds of all 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 pledged to the payment of any bonds and the interest thereon issued under the provisions of this act. The legislature agrees to continue to impose the same excise taxes on motor fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of this act when due.

Bonds—Denominations—Sold at public sale—Advertised—As legal investment for state funds.

SEC. 5. The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee. They may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. The bonds shall be sold at public sale. It shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of this act shall be legal investment for any of the funds of the state, except the permanent school fund.

Bond proceeds—Disposition—Expense of servicing.

SEC. 6. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of the project authorized by this act, and payment of the expense incurred in the printing, issuance and sale of any such bonds, in which expense shall be included the sum of one-eighth of one percent of the amount of the issue to cover the cost of servicing said issue, such sum to be deposited in the general fund.

Repayment of bonds, interest—Moneys available for.

SEC. 7. Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels

and which is, or may be, appropriated to the highway department for state highway purposes. They shall never constitute a charge against any allocation of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds: *Provided*, That money required hereunder to pay interest on or to retire any bonds issued as authorized by this act shall be repaid by the county or counties wherein the highways or roads are constructed in the manner set forth in section 9 of this act.

SEC. 8. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of receipts in money of the motor vehicle fuels, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, which is hereby established, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

Repayment of
bonds, interest
—Committee
duties—Treas-
urer to trans-
fer moneys.

Farm to market roads. County repayment of highway cost to state—Procedure.

SEC. 9. The director of highways shall report to the state finance committee all sums expended from funds resulting from the sale of bonds authorized by this act. Grant, Franklin and Adams counties shall repay to the state all the cost of highway or road facilities actually constructed under the provisions of this act within each of said counties as follows: The state finance committee, at least one year prior to the date any such interest is due and payable on such bonds or before the maturity date of any such bonds, shall ascertain the percentage of the motor vehicle funds arising from the excise taxes on motor vehicle fuels, which is to be transferred to such counties under the provisions of law which will be necessary to pay all of the interest upon or retire when due all of the portion of said bonds sold under the provisions of this act in each of said counties. The state finance committee shall notify the state treasurer of this estimate and the treasurer shall thereafter, when distributions are made from the motor vehicle fund to counties, retain such percentage of the total sums credited to such counties as aforesaid in the motor vehicle fund arising from such excise taxes on motor vehicle fuels until such fund is fully reimbursed for all expenditures under this act in Grant, Adams and Franklin counties. Any money so retained shall be available for state highway purposes.

Limitation to tax funds retained during usual distribution period.

SEC. 10. The sums retained from motor vehicle funds, arising from the excise taxes on motor vehicle fuel, of any such counties as provided in section 9 of this act, together with the sums similarly retained under the provisions of chapter 121, Laws of 1951 and chapter 311, Laws of 1955 shall not exceed in any distribution period fifty percent of the total amount to be credited to such county. If there shall be a deficit in the amount available for reimbursement of the motor vehicle fund, due to this provision, then such

deficit shall continue to be a charge against any sums due any such county from the motor vehicle fund from such excise taxes until the full cost of such highway facilities is paid.

SEC. 11. Whenever the percentages of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

Prior redemption of bonds.

SEC. 12. The bonds authorized herein are allocated to the counties as follows:

Bond allocation to counties—Limitation.

(1) For Adams county—one hundred thousand dollars.

(2) For Franklin county—four hundred fifty thousand dollars.

(3) For Grant county—one million three hundred thousand dollars:

Provided, That no bonds shall be issued for Columbia Basin county arterial highway and road purposes unless expenditures are actually required for the settlement of lands ready for irrigation in the Columbia Basin project and all construction of arterial highways and roads in such counties shall be accomplished by the engineering forces of the various counties under the supervision of the director of highways.

SEC. 13. There is appropriated from the motor vehicle fund for the biennium ending June 30, 1967 the sum of one million eight hundred fifty thousand dollars, or so much thereof as may be necessary, to carry out the provisions of this act.

Appropriation.

Farm to
market roads.
Emergency.

SEC. 14. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 7, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 122.

[Senate Bill No. 279.]

PUBLIC LIBRARIES.

AN ACT relating to free public libraries; eliminating school district free public libraries; amending section 2, chapter 119, Laws of 1935 as last amended by section 10, chapter 75, Laws of 1947 and RCW 27.12.010; amending section 4, chapter 119, Laws of 1935 as amended by section 3, chapter 65, Laws of 1941 and RCW 27.12.030; amending section 8, chapter 119, Laws of 1935 as last amended by section 2, chapter 133, Laws of 1959 and RCW 27.12.190; amending section 10, chapter 119, Laws of 1935 as last amended by section 9, chapter 65, Laws of 1941 and RCW 27.12.240; amending section 20, chapter 119, Laws of 1935 as amended by section 13, chapter 75, Laws of 1947 and RCW 27.12.320; and repealing section 2, chapter 108, Laws of 1939 and RCW 27.12.230.

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

RCW 27.12.010
amended.

SECTION 1. Section 2, chapter 119, Laws of 1935 as last amended by section 10, chapter 75, Laws of 1947 and RCW 27.12.010 are each amended to read as follows:

Public
libraries.
Definitions.

As used in this act, unless the context requires a different meaning:

(1) "Governmental unit" means any county, city, town, rural county library district or intercounty rural library district;

(2) "Legislative body" means the body author-

ized to determine the amount of taxes to be levied in a governmental unit; in rural county library districts and in intercounty rural library districts the legislative body shall be the board of library trustees of the district;

(3) "Library" means a free public library supported in whole or in part with money derived from taxation; and

(4) "Regional library" means a free public library maintained by two or more counties or other governmental units; and

(5) "Rural county library district" means a library serving all the area of a county not included within the area of incorporated cities and towns; and

(6) "Intercounty rural library district" means a municipal corporation organized to provide library service for all areas outside of incorporated cities and towns within two or more counties.

SEC. 2. Section 4, chapter 119, Laws of 1935 as amended by section 3, chapter 65, Laws of 1941 and RCW 27.12.030 are each amended to read as follows:

RCW 27.12.030
amended.

A library may be established in any county, city, or town either (1) by its legislative body of its own initiative; or (2) upon the petition of one hundred taxpayers of such a governmental unit, the legislative body shall submit to a vote of the qualified electors thereof, at the next municipal or special election held therein (in the case of a city or town) or the next general election or special election held therein (in the case of a county), the question whether a library shall be established; and if a majority of the electors voting on the question vote in favor of the establishment of a library, the legislative body shall forthwith establish one.

Libraries, how
established.

SEC. 3. Section 8, chapter 119, Laws of 1935 as last amended by section 2, chapter 133, Laws of 1959

RCW 27.12.190
amended.

and RCW 27.12.190 are each amended to read as follows:

Public
libraries.
Library trus-
tees. Appoint-
ment, removal,
compensation.

The management and control of a library shall be vested in a board of either five or seven trustees as hereinafter in this section provided. In cities and towns five trustees shall be appointed by the mayor with the consent of the legislative body. In counties and rural county library districts five trustees shall be appointed by the board of county commissioners. In a regional library district a board of either five or seven trustees shall be appointed by the joint action of the legislative bodies concerned. In intercounty rural library districts a board of either five or seven trustees shall be appointed by the joint action of the boards of county commissioners of each of the counties included in a district. The first appointments for boards comprised of but five trustees shall be for terms of one, two, three, four, and five years respectively, and thereafter a trustee shall be appointed annually to serve for five years. The first appointments for boards comprised of seven trustees shall be for terms of one, two, three, four, five, six, and seven years respectively, and thereafter a trustee shall be appointed annually to serve for seven years. No person shall be appointed to any board of trustees for more than two consecutive terms. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen. A library trustee shall not receive a salary or other compensation for services as trustee, but necessary expenses actually incurred shall be paid from the library funds. A library trustee in the case of a city or town may be removed only by vote of the legislative body. A trustee of a county library or a rural county library district library may be removed by the county commissioners after a public hearing upon a written complaint stating the ground for removal, which complaint, with a notice of the

time and place of hearing, shall have been served upon the trustee at least fifteen days before the hearing. A trustee of an intercounty rural library district may be removed by the joint action of the board of county commissioners of the counties involved in the same manner as provided herein for the removal of a trustee of a county library.

SEC. 4. Section 10, chapter 119, Laws of 1935 as last amended by section 9, chapter 65, Laws of 1941 and RCW 27.12.240 are each amended to read as follows:

RCW 27.12.240 amended.

After a library shall have been established or library service contracted for, the legislative body of the governmental unit for which the library was established or the service engaged, shall appropriate money annually for the support of the library. All funds for the library, whether derived from taxation or otherwise, shall be in the custody of the treasurer of the governmental unit, and shall be designated by him in some manner for identification, and shall not be used for any but library purposes. The board of trustees shall have the exclusive control of expenditures for library purposes subject to any examination of accounts required by the state and money shall be paid for library purposes only upon vouchers of the board of trustees, without further audit. The board shall not make expenditures or incur indebtedness in any year in excess of the amount of money appropriated and/or available for library purposes.

Annual appropriations—
Control of expenditures.

SEC. 5. Section 20, chapter 119, Laws of 1935 as amended by section 13, chapter 75, Laws of 1947 and RCW 27.12.320 are each amended to read as follows:

RCW 27.12.320 amended.

A library established or maintained under this act (except a regional or a rural county library district library or an intercounty rural library district library) may be abolished only in pursuance of a

Dissolution—
Disposition of property.

Public
libraries.
Dissolution—
Disposition of
property.

vote of the electors of the governmental unit in which the library is located, taken in the manner prescribed in RCW 27.12.030 for a vote upon the establishment of a library. If a library of a city or town be abolished, the books and other printed or written matter belonging to it shall go to the library of the county whereof the municipality is a part, if there be a county library, but if not, then to the state library. If a library of a county or region be abolished, the books and other printed matter belonging to it shall go to the state library. All other library property shall be disposed of as the legislative body of the governmental unit shall direct.

After a rural county library district or an inter-county rural library district has been in operation for three or more years, it may be dissolved pursuant to a majority vote of all of the qualified electors residing outside of incorporated cities and towns voting upon a proposition for its dissolution, at a general election, which proposition may be placed upon the ballot at any such election whenever a petition by ten percent or more qualified voters residing outside of incorporated cities or towns within a rural county library district or an intercounty rural library district requesting such dissolution shall be filed with the board of trustees of such district not less than ninety days prior to the holding of any such election. If a rural county library district is dissolved, the books and other printed matter belonging to it shall go to the state library. All other library property shall be disposed of as the legislative body of the governmental unit shall direct. When an intercounty rural library district is dissolved, the books, funds and other property thereof shall be divided among the participating counties in the most equitable manner possible as determined by the state librarian, who shall give consideration to such items as the original source of property, the

amount of funds raised from each county by the district, and the ability of the counties to make further use of such property or equipment for library purposes. Printed material which the state librarian finds will not be used by any of the participating counties for further library purposes shall be turned over to the state library.

SEC. 6. School district public libraries organized under chapter 119, Laws of 1935, as amended prior to this 1965 amendatory act, are hereby abolished as of January 1, 1966.

School district public libraries abolished—Disposition of assets.

All assets belonging to any school district public library abolished by this section shall go to the rural county library district of the county in which the school district public library is located.

SEC. 7. Section 2, chapter 108, Laws of 1939 and RCW 27.12.230 are each repealed.

Repeal.

Passed the Senate March 3, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 123.

[Senate Bill No. 296.]

ELECTIONS.

AN ACT relating to elections; amending sections 29.04.020, 29.13.010, 29.13.020, 29.13.040, 29.13.045, 29.13.050, and 29.21.010, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.04.020, 29.13.010, 29.13.020, 29.13.040, 29.13.045, 29.13.050 and 29.21.010; adding a new section to chapter 28.58 RCW; and repealing certain acts and parts of acts and RCW sections.

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

SECTION 1. Section 29.04.020, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.04.020 are each amended to read as follows:

RCW 29.04.020 amended.

Elections.
County audi-
tor designated
supervisor of
certain
elections.

The county auditor of each county shall be ex officio the supervisor of all elections, general or special, and it shall be his duty to provide places for holding such elections; to appoint the precinct election officers; to provide for their compensation; to provide ballot boxes and ballots or voting machines, poll books and tally sheets, and deliver them to the precinct election officers at the polling places; to publish and post notices of calling such elections in the manner provided by law, and to apportion to each city, town, or district, its share of the expense of such elections: *Provided*, That this section shall not apply to general or special elections for any city, town, or district which is not subject to RCW 29.13.010 and RCW 29.13.020, but all such elections shall be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and certifications by local officers) as provided and required by the laws governing such elections.

RCW 29.13.010
amended.

SEC. 2. Section 29.13.010, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.13.010 are each amended to read as follows:

Time for hold-
ing elections,
primaries.
Election by
district con-
stituencies or
larger.

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: *Provided*, 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*, 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.

SEC. 3. Section 29.13.020, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.13.020 are each amended to read as follows:

RCW 29.13.020
amended.

All city, town, and district general elections, except as hereinafter provided, shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years: *Provided*, That there shall be no general city or town elections held under the provisions of the 1963 elections act as amended until 1967, and the positions that would have been voted upon in the year 1966, except for the provisions of the 1963 elections act as amended, shall be voted upon at the general election to be held on the first Tuesday following the first Monday in November in the year 1967 and each two years thereafter. All city and town elections to be held in 1964 under existing law shall be conducted as though the provisions of the 1963 elections act had not been enacted. All city and town officers elected in 1964 shall remain in office for their regular term and until their successors are elected and qualified under the provisions of the 1963 elections act.

City, town and
district elec-
tions—Com-
mencement of
terms of office
—Special
elections.

There shall be no regular district elections held in the years 1964, 1966, 1968, and 1970, and the positions that would have been voted upon, except for the provisions of the 1963 elections act as amended, in the years 1964, 1966, 1968, and 1970 shall be voted upon at the general elections to be held on the first Tuesday following the first Monday in November in the years 1965, 1967, 1969, and 1971, respectively and each two years thereafter.

There shall be no regular school district elections

Elections. City
town and dis-
trict elections
—Commence-
ment of terms
of office—
Special
elections.

held on the second Tuesday in March in the years 1965, 1967, and 1969 and the position that would have been voted upon, except for the provisions of the 1963 elections act as amended, shall be voted upon at the general elections to be held on the first Tuesday following the first Monday in November in the years 1965, 1967, and 1969 respectively and each two years thereafter.

The purpose of this section is to change the time of holding all general city, town, and district elections to a common election date, throughout the state of Washington being the first Tuesday following the first Monday in November of the odd-numbered years.

All incumbent city, town, or district officers whose terms would have expired, except for the provisions of the 1963 elections act as amended, shall remain in office until their successors are elected and qualified.

This section shall not apply to:

(1) Elections for the recall of city, town, or district officers,

(2) Public utility districts, or district elections whereat the ownership of property within said districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto.

The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town or district, presented to him at least forty-five days prior to the proposed election date, may, if he deems an emergency to exist, call a special election at any time in such city, town, or district and for the purpose of such special election he may combine, unite or divide precincts. Such special election shall be conducted and notice thereof given in the manner provided by law.

SEC. 4. Section 29.13.040, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.13.040 are each amended to read as follows:

RCW 29.13.040 amended.

All elections, whether special or general, held under RCW 29.13.010 and RCW 29.13.020 as now or hereafter amended, shall be conducted by the county auditor as ex officio county supervisor of elections and except as provided in RCW 29.62.100 the returns thereof shall be canvassed by the county canvassing board.

Conduct of elections under RCW 29.13.010 and 29.13.020—Canvass.

SEC. 5. Section 29.13.045, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.13.045 are each amended to read as follows:

RCW 29.13.045 amended.

Every city, town, and district shall be liable for its proportionate share of the costs when such elections are held in conjunction with other elections held under RCW 29.13.010 and RCW 29.13.020.

Constituencies to bear election costs or share of—Recovery procedure.

Whenever any city, town, or district shall hold any primary or election, general or special, on an isolated date, all costs of such elections shall be borne by the city, town, or district concerned.

The purpose of this section is to clearly establish that the county is not responsible for any costs involved in the holding of any city, town, or district election.

In recovering such election expenses, including a reasonable pro-ration of administrative costs, the county auditor shall certify the cost to the county treasurer with a copy to the clerk or auditor of the city, town, or district concerned. Upon receipt of such certification, the county treasurer shall make the transfer from any available and appropriate city, town, or district funds to the county current expense fund or to the county election reserve fund if such a fund is established. Each city, town, or district shall be promptly notified by the county treasurer whenever such transfer has been completed: *Provided, however,* That in those districts wherein a

treasurer, other than the county treasurer, has been appointed such transfer procedure shall not apply but the district shall promptly issue its warrant for payment of election costs.

RCW 29.13.050 amended.

SEC. 6. Section 29.13.050, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.13.050 are each amended to read as follows:

Elections. City, town or district. Commencement of terms of officers elected —Organization of district board of directors.

The term of every city, town, and district officer elected to office on the first Tuesday following the first Monday in November of the odd-numbered years shall begin as of noon on the second Monday in January following his election: *Provided*, That school directors and any person elected to less than a full term shall assume office as soon as the election returns have been certified.

Persons elected to office at the first regular elections held under the provisions of the 1963 elections act as amended shall assume office as soon as the election returns have been certified.

Each board of directors of every district shall be organized at the first meeting held after one or more newly elected directors take office.

RCW 29.21.010 amended.

SEC. 7. Section 29.21.010, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.21.010 are each amended to read as follows:

Primaries in first, second and third class cities.

All primaries for all cities of the first, second and third class, irrespective of type or form of government shall be non-partisan and held as provided in RCW 29.13.070. All names of candidates to be voted upon at city primary elections shall be printed upon the official primary ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes for each position, shall appear in that order on the municipal general election ballot

under the designation for each respective office. In the event there are two or more offices to be filled for the same position, then names of candidates receiving the highest number of votes equal in number to twice the offices to be filled shall appear on the municipal general election ballot so that the voter shall have a choice of two candidates for each position: *Provided*, That no name of any candidate shall appear on the city general election ballot unless said candidate shall receive at least ten percent of the total votes cast for that office. The sequence of names of candidates printed on the municipal general election ballot shall be in relation to the number of votes each candidate received at the primary. Names of candidates printed upon the municipal primary and general election ballot need not be rotated.

SEC. 8. There is added to chapter 28.58 RCW a New section.
new section to read as follows:

All school district elections, regular or special, shall be conducted according to the election laws of the state of Washington as contained in Title 29 RCW, and in the event of a conflict as to the application of the laws of this title or Title 29 RCW, the latter shall prevail. Conduct of school district elections—Prevailing law.

SEC. 9. The following acts or parts of acts and Repeal.
RCW sections are each hereby repealed:

(1) Section 3, page 351, Laws of 1909 as last amended by section 16, chapter 90, Laws of 1919 and RCW 28.59.230;

(2) Section 5, page 352, Laws of 1909 as amended by section 18, chapter 90, Laws of 1919 and RCW 28.59.250;

(3) Section 6, page 352, Laws of 1909 as amended by section 19, chapter 90, Laws of 1919 and RCW 28.59.260;

(4) Section 3, page 352, Laws of 1909 as amended

Elections.
Repeal.

by section 20, chapter 90, Laws of 1919 and RCW 28-59.270;

(5) Section 12, page 356, Laws of 1909 as amended by section 21, chapter 90, Laws of 1919 and RCW 28-59.280;

(6) Section 13, page 356, Laws of 1909 as amended by section 22, chapter 90, Laws of 1919 and RCW 28-59.290;

(7) Section 4, page 347, Laws of 1909 as amended by section 1, chapter 50, Laws of 1933 and RCW 28-63.260;

(8) Section 5, page 348, Laws of 1909 and RCW 28.63.270;

(9) Section 6, page 348, Laws of 1909 and RCW 28.63.280;

(10) Section 7, page 349, Laws of 1909 and RCW 28.63.290;

(11) Section 1, chapter 257, Laws of 1951 and RCW 28.63.300;

(12) Sections 29.13.030, 29.21.030 and 29.21.050, chapter 9, Laws of 1965 (Senate Bill No. 5) and RCW 29.13.030, 29.21.030 and 29.21.050.

Passed the Senate March 7, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 124.

[Senate Bill No. 315.]

MOTOR VEHICLES—OPERATORS AND OWNERS—
FINANCIAL RESPONSIBILITY.

AN ACT relating to financial responsibility of motor vehicle operators and owners; amending sections 8, 12, 19, 20, 29 and 44 of chapter 169, Laws of 1963 and RCW 46.29.080, 46.29.120, 46.29.190, 46.29.200, 46.29.290 and RCW 46.29.440.

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

SECTION 1. Section 8, chapter 169, Laws of 1963 and RCW 46.29.080 are each amended to read as follows:

RCW 46.29.080 amended.

The requirements as to security and suspension in this chapter shall not apply:

Motor vehicle owners, operators, financial responsibility. Security following accident. Exceptions as to requirement of security.

- (1) To the driver or owner if the owner had in effect at the time of the accident an automobile liability policy or bond with respect to the vehicle involved in the accident, except that a driver shall not be exempt under this subsection if at the time of the accident the vehicle was being operated without the owner's permission, express or implied;
- (2) To the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy or bond with respect to his driving of vehicles not owned by him;
- (3) To the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy or bond as to which there is a bona fide dispute concerning coverage of such driver as evidenced by the pendency of litigation seeking a declaration of said driver's coverage under such policy or bond.
- (4) To the driver, whether or not the owner, if there is a bona fide claim on the part of the driver that there was in effect at the time of the accident, an

Motor vehicle owners, operators, financial responsibility. Security following accident. Exceptions as to requirement of security.

automobile liability policy or bond insuring or covering such driver.

(5) To any person qualifying as a self-insurer under RCW 46.29.630 or to any person operating a vehicle for such self-insurer;

(6) To the driver or the owner of a vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than such driver or owner;

(7) To the driver or owner of a vehicle which at the time of the accident was parked, unless such vehicle was parked at a place where parking was at the time of the accident prohibited under any applicable law or ordinance;

(8) To the owner of a vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such vehicle without such permission, except if the vehicle was operated by his minor child or spouse;

(9) To the owner of a vehicle involved in an accident if at the time of the accident such vehicle was owned by or leased to the United States, this state or any political subdivision of this state or a municipality thereof, or to the driver of such vehicle if operating such vehicle with permission; or

(10) To the driver or the owner of a vehicle in the event at the time of the accident the vehicle was being operated by or under the direction of a police officer who, in the performance of his duties, shall have assumed custody of such vehicle.

RCW 46.29.120 amended.

SEC. 2. Section 12, chapter 169, Laws of 1963 and RCW 46.29.120 are each amended to read as follows:

Release from liability.

(1) A person shall be relieved from the requirement for deposit of security for the benefit or protection of another person injured or damaged in the accident in the event he is released from liability by such other person.

(2) In the event the department has evaluated the injuries or damage to any minor the department may accept, for the purposes of this chapter only, evidence of a release from liability executed by a natural guardian or a legal guardian on behalf of such minor without the approval of any court or judge.

SEC. 3. Section 19, chapter 169, Laws of 1963 and RCW 46.29.190 are each amended to read as follows:

RCW 46.29.190 amended.

The department may reduce the amount of security ordered in any case if in its judgment the amount ordered is excessive. In case the security originally ordered has been deposited, the excess deposit over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith.

Authority of department to decrease amount of security.

SEC. 4. Section 20, chapter 169, Laws of 1963 and RCW 46.29.200 are each amended to read as follows:

RCW 46.29.200 amended.

Whenever the department has taken any action or has failed to take any action under this chapter by reason of having received erroneous information, then upon receiving correct information within one year after the date of an accident the department shall take appropriate action to carry out the purposes and effect of this chapter. The foregoing, however, shall not be deemed to require the department to reevaluate the amount of any deposit required under this chapter.

Correction of action taken on erroneous information by department.

SEC. 5. Section 29, chapter 169, Laws of 1963 and RCW 46.29.290 are each amended to read as follows:

RCW 46.29.290 amended.

If a person has no license, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, no license shall be thereafter issued to such person unless he shall give and thereafter

Action in respect to unlicensed report.

maintain proof of financial responsibility for the future.

RCW 46.29.440 amended.

SEC. 6. Section 44, chapter 169, Laws of 1963 and RCW 46.29.440 are each amended to read as follows:

Motor vehicle owners, operators, financial responsibility. Suspension to continue until proof given and maintained.

Such license or nonresident's operating privilege shall remain so suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of such person, including any such person not previously licensed, unless and until such person shall give and thereafter maintain proof of financial responsibility for the future. The furnishing of such proof shall permit such person to operate only a motor vehicle covered by such proof. The department shall endorse appropriate restrictions on the license held by such person or may issue a new license containing such restrictions.

Passed the Senate March 5, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 125.

[Senate Bill No. 316.]

TOWN MARSHALS.

AN ACT relating to town officers; and amending section 35.27-.240, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.27.240.

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

RCW 35.27.240 amended.

SECTION 1. Section 35.27.240, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.27.240 are each amended to read as follows:

Town marshal - Police department.

The department of police in a town shall be under the direction and control of the marshal subject to the direction of the mayor. He shall prosecute before the police justice all violations of town ordinances

which come to his knowledge. He shall have charge of the prison and prisoners. He may pursue and arrest violators of town ordinances beyond the town limits.

Towns, Town
marshal—
Police de-
partment.

His lawful orders shall be promptly executed by deputies, police officers and watchmen. Every citizen shall lend him aid, when required, for the arrest of offenders and maintenance of public order. He may appoint, subject to the approval of the mayor, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose compensation shall be fixed by the council. With the concurrence of the mayor, he may appoint additional policemen for one day only when necessary for the preservation of public order.

He shall have the same authority as that conferred upon sheriffs for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions and shall be entitled to the same protection.

He shall execute and return all process issued and directed to him by any legal authority and for his services shall receive the same fees as are paid to constables.

He shall perform such other services as the council by ordinance may require.

Passed the Senate March 3, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 126.

[Senate Bill No. 321.]

PROBATE—AWARDS IN LIEU OF HOMESTEAD—
HOMESTEADS AND ADDITIONAL AWARDS—LIENS.

AN ACT relating to probate law and procedure; adding a new section to chapter 156, Laws of 1917 and to chapter 11.52 RCW.

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

New section.

SECTION 1. There is added to chapter 156, Laws of 1917 and to chapter 11.52 RCW a new section to read as follows:

Probate—Provisions for family support. Award ordering estate closed, when.

If it is made to appear to the court that the amount of funeral expenses, expenses of last illness, expenses of administration, general taxes and special assessments which were liens at the time of the death of the deceased spouse together with the unpaid balance of any mortgage or mechanic's, laborer's or materialmen's or vendor's liens upon the property to be set off under the provisions of RCW 11.52.010 through 11.52.024 together with the amount of the award to be made by the court under the provisions of RCW 11.52.010 through 11.52.040 shall be equal to the gross appraised value of the decedent's estate subject to probate, then the court at the time of making such award shall enter its judgment setting aside all of the property of the estate, subject to the aforementioned charges, to the petitioner, and shall order the estate closed, discharge the executor or administrator and exonerate the executor's or administrator's bond.

Passed the Senate March 8, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 127.

[Senate Bill No. 350.]

TOWN COUNCILS—POWERS.

AN ACT relating to towns; providing for the sale of waterfront property created by dams or other artificial structures; and amending section 35.27.370, chapter 7, Laws of 1965 (Senate Bill No. 3.) and RCW 35.27.370.

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

SECTION 1. Section 35.27.370, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.27.370 are each amended to read as follows:

RCW 35.27.370 amended.

The council of said town shall have power:

Towns—
Council.
Specific
powers
enumerated.

(1) To pass ordinances not in conflict with the Constitution and laws of this state, or of the United States;

(2) To purchase, lease or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the town; to acquire, own, and hold real estate for cemetery purposes either within or without the corporate limits, to sell and dispose of such real estate, to plat or replat such real estate into cemetery lots and to sell and dispose of any and all lots therein, and to operate, improve and maintain the same as a cemetery: *Provided*, That they shall not have the power to sell or convey any portion of any waterfront, except waterfront created by the impounding of waters by a dam or other artificial structure on any navigable river or stream;

(3) To contract for supplying the town with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for use of such town or its inhabitants, or for irrigating purposes therein;

Towns—
Council.
Specific
powers
enumerated.

(4) To establish, build and repair bridges, to establish, lay out, alter, widen, extend, keep open, improve, and repair streets, sidewalks, alleys, squares, and other public highways and places within the town, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, plank, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or on any part thereof; to cause to be planted, set out and cultivated trees therein, and generally to manage and control all such highways and places;

(5) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets along which sewers are constructed to make proper connections therewith, and to use the same for proper purposes when such property is improved by the erection thereon of a building or buildings; and in case the owners of such improved property on such streets shall fail to make such connections within the time fixed by such council, they may cause such connections to be made, and to assess against the property in front of which such connections are made the costs and expenses thereof;

(6) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(7) To impose and collect an annual license not exceeding two dollars on every dog allowed to run at large within the limits of the town, and to provide for the killing of all dogs found at large and not duly licensed;

(8) To levy and collect annually a property tax, for the payment of current expenses and for the payment of indebtedness (if any indebtedness exists) within the limits authorized by law;

(9) To license, for purposes of regulation and revenue, all and every kind of business, authorized by law and transacted and carried on in such town; and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof; to fix the rate of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; to regulate, restrain, or prohibit the running at large of any and all domestic animals within the city limits, or any part or parts thereof, and to regulate the keeping of such animals within any part of the city; to establish, maintain and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed on, and collected from, the owners of any impounded stock;

(10) To improve the rivers and streams flowing through such town or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to prevent the pollution of streams or water running through such town, and for this purpose shall have jurisdiction for two miles in either direction; to improve the waterfront of the town, and to construct and maintain embankments and other works to protect such town from overflow;

(11) To erect and maintain buildings for municipal purposes;

(12) To grant franchises or permits to use and occupy the surface, the overhead and the underground of streets, alleys and other public ways, under such terms and conditions as it shall deem fit, for any and all purposes, including but not being limited to the construction, maintenance and operation of railroads, street railways, transportation systems, water, gas and steam systems, telephone and telegraph systems, electric lines, signal systems, surface, aerial and underground tramways;

Towns—
Council.
Specific
powers
enumerated.

(13) To punish the keepers and inmates and lessors of houses of ill fame, and keepers and lessors of gambling houses and rooms and other places where gambling is carried on or permitted, gamblers and keepers of gambling tables;

(14) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months;

(15) To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the town;

(16) To operate ambulance service which may serve the town and surrounding rural areas and, in the discretion of the council, to make a charge for such service;

(17) To make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the town and its trade, commerce and manufacturers, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

Passed the Senate March 3, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 128.

[Senate Bill No. 364.]

AID TO THE BLIND ASSISTANCE—QUALIFICATIONS.

AN ACT relating to public assistance; amending section 74.16-.030, chapter 26, Laws of 1959 and RCW 74.16.030.

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

SECTION 1. Section 74.16.030, chapter 26, Laws of 1959 and RCW 74.16.030 are each amended to read as follows:

RCW 74.16.030 amended.

In addition to meeting the eligibility requirements of RCW 74.08.025, an applicant for aid to the blind assistance must be an applicant:

Public assistance—Aid to the blind. Eligibility.

(1) Who is twenty-one years of age or over; or who has reached his sixteenth birthday and is found not to be acceptable for education at the state school for the blind;

(2) Who has no vision or whose vision, with correcting glasses, is so defective as to prevent the performance of ordinary activities for which eyesight is essential;

(3) Who is not publicly soliciting alms in any part of this state. The term "publicly soliciting" means the wearing, carrying, or exhibiting of signs denoting blindness and the carrying of receptacles for the reception of alms, or the doing of the same by proxy, or by begging: *Provided*, That no person otherwise eligible shall be deemed ineligible who has been a patient in a public hospital for a period of less than thirty days; or is employed in a shop maintained for the blind which does not furnish board or room; or attends a college or university in the state; or who pays the assistance money received to a private institution or home for his care.

(4) Who has resided in this state for six months immediately preceding the date of application, or

Public assist-
ance—Aid to
the blind.
Eligibility.

who suffered loss of sight while a resident of this state and has resided continuously in this state since such loss of sight except for any temporary absence from the state incident to receiving treatment for the injury or disease causing loss of sight or for the attempt of restoring sight.

Passed the Senate March 3, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 129.

[Senate Bill No. 416.]

STATE CAPITOL GROUNDS—PARKING FACILITIES.

AN ACT relating to state government; authorizing, regulating and controlling the construction, improvement, acquisition and use and rental of parking facilities for the capitol grounds; and amending section 1, chapter 293, Laws of 1955 and RCW 79.24.300.

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

RCW 79.24.300
amended.

SECTION 1. Section 1, chapter 293, Laws of 1955 and RCW 79.24.300 are each amended to read as follows:

State capitol
lands. Parking
facilities
authorized.

The state capitol committee may construct parking facilities for the state capitol adequate to provide parking space for automobiles, said parking facilities to be either of a single level, multiple level, or both, and to be either on one site or more than one site and located either on or in close proximity to the capitol grounds, though not necessarily contiguous thereto. The state capitol committee may select such lands as are necessary therefor and acquire them by purchase or condemnation. As an aid to such selection the committee may cause location, topographical, economic, traffic, and other surveys to be conducted, and for this purpose may utilize the services of existing

state agencies, may employ personnel, or may contract for the services of any person, firm or corporation. In selecting the location and plans for the construction of the parking facilities the committee shall consider recommendations of the director of general administration.

Space in parking facilities may be rented to the officers and employees of the state on a monthly basis at a rental to be determined by the director of general administration. The state shall not sell gasoline, oil, or any other commodities or perform any services for any vehicles or equipment other than state equipment. The director of general administration shall include in his biennial report a comprehensive statement on such parking facilities, their location and charges together with any recommendations he may have.

Passed the Senate March 8, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 130.

[Senate Bill No. 454.]

CITIES AND TOWNS—ACQUISITION OF WATER RIGHTS AND SYSTEMS.

AN ACT relating to cities and towns; amending section 35.92.220, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.92.220; amending section 35.92.230, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.92.230; amending section 35.92.260, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.92.260; and adding new sections to chapter 7, Laws of 1965 (Senate Bill No. 3) and to chapter 35.92 RCW.

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

SECTION 1. Section 35.92.220, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.92.220 are each amended to read as follows:

RCW 35.92.220
amended.

Cities and
towns—
Municipal
utilities.
Acquisition of
water rights.

A city or town, situated within or served by, an irrigation project, or projects, owned or operated by the United States government, a water users' association, associations, corporation, or corporations or another city or town or towns, where the legislative authority deems it feasible to furnish water for irrigation and domestic purposes, or either, and where the water used for irrigation and domestic purposes or either, is appurtenant or may become appurtenant to the land located within such city or town, may purchase, lease or otherwise acquire water or water rights for the purpose of furnishing the city or town and the inhabitants thereof with a supply of water for irrigation and domestic purposes, or either; purchase, construct or otherwise acquire systems and means of distribution and delivery of water within and without the limits of the city or town, or for the delivery of water where the owner of land within the city or town owns a water right appurtenant to his land, with full power to maintain, repair, reconstruct, regulate, and control the same, and if private property is necessary for such purposes, the city or town may condemn and purchase or purchase and acquire property, enter into any contract, and order any and all work to be done which shall be necessary to carry out such purposes, and it may do so either by the entire city or town or by assessment districts, consisting of the whole or any portion thereof, as the legislative authority of the city or town may determine.

RCW 35.92.230
amended.

SEC. 2. Section 35.92.230, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.92.230 are each amended to read as follows:

Special
assessments.

For the purpose of paying for a water right purchased by the city or town from the United States government where the purchase price has not been fully paid; paying annual maintenance or annual rental charge to the United States government or any

corporation or individual furnishing the water for irrigation and domestic purposes, or either; paying assessments made by any water users' association; paying the cost of constructing or acquiring any system or means of distribution or delivery of water for said purposes; and for the upkeep, repair, reconstruction, operation, and maintenance thereof; and for any expense incidental to said purposes, the city or town may levy and collect special assessments against the property within any district created pursuant to RCW 35.92.220 as now or hereafter amended, to pay the whole or any part of any such costs and expenses.

SEC. 3. Section 35.92.260, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.92.260 are each amended to read as follows:

RCW 35.92.260
amended.

When a city or town makes local improvements for any of the purposes specified in RCW 35.92.220 and RCW 35.92.230, as now or hereafter amended, the proceedings relative to the creation of districts, financing of improvements, levying and collecting assessments and all other procedure shall be had, and the legislative authority shall proceed in accordance with the provisions of the laws relating to local improvement districts in cities of the first class: *Provided*, That when the improvement is initiated upon petition, the petition shall set forth the fact that the signers are the owners according to the records in the office of the county auditor, of property to an aggregate amount of a majority of the surface area within the limits of the assessment district to be created: *Provided further*, That when an assessment is made for any purpose other than the construction or reconstruction of any system or means of distribution or delivery of water, it shall not be necessary for the legislative authority to be furnished with a statement of the aggregate assessed valuation of the real estate exclusive of improvements in the district according to the valuation last placed upon it for pur-

Mode of
assessment.

Cities and
towns—
Municipal
utilities.
Mode of
assessment.

poses of general taxation, or the estimated amount of the cost of the improvement to be borne by each tract of land or other property, but a statement by the engineer or other officer, showing the estimated cost of the improvement per square foot, shall be sufficient: *Provided further*, That when the legislative authority of a city or town shall deem it necessary to levy special assessments for the purposes specified in RCW 35.92.230, as now or hereafter amended, other than for the purpose of paying the costs of acquiring, constructing or reconstructing any system or means of distribution or delivery of water for irrigation or domestic purposes, the legislative authority for such city or town may hold a single hearing on the assessment rolls for all irrigation local improvement districts within the city or town. Such legislative authority shall fix the date of such hearing and shall direct the city or town clerk to give notice thereof, in the form prescribed by RCW 35.44.080, by publication thereof in a legal newspaper of general circulation in the city or town, once, not less than fifteen days prior to the date fixed for hearing; and by mailing, not less than fifteen days prior to the date fixed for hearing, notice thereof to the owner or reputed owner of each item of property described on the assessment roll whose name appears on such roll at the address of such owner or reputed owner shown on the tax rolls of the county treasurer for each such item of property: *Provided further*, That when an assessment roll is once prepared and does not include the cost of purchase, construction, or reconstruction of works of delivery or distribution and the legislative authority of such city or town decides to raise a similar amount the ensuing year, it shall not be necessary to prepare a new assessment roll, but the legislative authority may pass a resolution of intention estimating the cost for the ensuing year to be the same as the preceding year, and directing the clerk to give notice

stating the estimated cost per square foot of all land within the district and refer persons interested to the books of the treasurer, and fixing the date for a hearing on such assessment roll. Notice of such hearing shall be given by the city or town clerk in the form and manner required in the preceding proviso. The treasurer shall be present at the hearing and shall note any changes on his books. The legislative authority shall have the same right to make changes in the assessment roll as in an original assessment, and after all changes have been made it shall, by ordinance, confirm the assessment and direct the treasurer to extend it on the books of his office.

SEC. 4. There is added to chapter 7, Laws of 1965 (Senate Bill No. 3) and to chapter 35.92 RCW a new section to read as follows: New section.

Whenever the public interest, welfare, convenience and necessity require that a city or town acquire water rights for the purposes set forth in RCW 35.92.220, as now or hereafter amended, and that such water rights be acquired through the purchases of shares in a water users' association or corporation, such city or town shall have full authority and power to acquire, or to hold in trust, such shares as shall be necessary for said purposes. Acquisition through purchase of shares authorized.

SEC. 5. There is added to chapter 7, Laws of 1965 (Senate Bill No. 3) and to chapter 35.92 RCW a new section to read as follows: New section.

Each and all of the respective areas of land heretofore organized into local improvement assessment districts for irrigation or domestic water supply purposes including all areas annexed thereto, under the provisions of chapter 112, Laws of 1915, codified as RCW 35.92.220-260, whether organized by or within a city or town other than a city of the first class or by or within a city of the first class, are hereby validated and declared to be duly existing local improve- Validation of existing districts, their obligations and acts.

Cities and towns—Municipal utilities. Validation of existing districts, their obligations and acts.

ment districts having the respective boundaries set forth in their organization or annexation proceedings as shown by the files in the office of the clerk of the city or town in which formed. All debts, contracts and obligations heretofore made or incurred by or in favor of any such local improvement district and any and all assessments or levies and all other things and proceedings done or taken by the city or town within, and by which such districts were organized, under or in pursuance of such organization, and under or in pursuance of the levy and collection of special assessments by the city or town to pay the whole or any part of the cost and expense or upkeep, repair, reconstruction, operation and maintenance of such local improvement districts and any expense incident to said purposes are hereby declared legal and valid and in full force and effect.

Passed the Senate March 3, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 131.

[Senate Bill No. 48.]

DECLARATORY JUDGMENTS—STAY OF PROCEEDINGS.

AN ACT relating to the uniform declaratory judgments act; and adding a new section to chapter 113, Laws of 1935 and to chapter 7.24 RCW.

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

New section. SECTION 1. There is added to chapter 113, Laws of 1935 and to chapter 7.24 a new section to read as follows:

Uniform declaratory judgments act. The court, in its discretion and upon such conditions and with or without such bond or other security as it deems necessary and proper, may stay any rul-

ing, order, or any court proceedings prior to final judgment or decree and may restrain all parties involved in order to secure the benefits and preserve and protect the rights of all parties to the court proceedings.

Stay of proceedings under.

Passed the Senate March 11, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 132.

[Senate Bill No. 54.]

CIVIC CENTER PROPERTIES—MANAGEMENT BY CITIES OF FIRST CLASS.

AN ACT relating to the administration and management of civic center properties by cities of the first class; and adding a new section to chapter 7, Laws of 1965, and to chapter 35.22 RCW.

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

SECTION 1. There is added to chapter 7, Laws of 1965 and to chapter 35.22 RCW a new section to read as follows:

New section.

The legislative authority of any city of the first class of more than four hundred thousand population shall have, notwithstanding any charter or statutory provision to the contrary, authority by ordinance to create a separate department of municipal government for the administration, management and control of any multiple use city property, including improvements thereon, devoted to educational, cultural, recreational, entertainment, athletic, convention and such other uses as shall be declared by ordinance to be incident to a civic center. The supervision of said department shall be by a manager, board or commission to be appointed in the manner, receive such compensation and perform such duties as may be pre-

Cities, 400,000 population. Civic center administration and management.

Cities, 400,000 population. Civic center, administration and management.

scribed by ordinance which may include authority to enter into leases, concessions and other agreements on behalf of the city, appoint and remove employees subject to applicable civil service provisions, advertise events and publicize and otherwise promote the use of such civic center facilities, and operate, manage and control municipal off-street parking and public transportation facilities heretofore or hereafter erected primarily to serve such civic center. All expenditures, purchases and improvements made or performed by or under the direction of said department shall be subject to applicable charter provisions and statutes.

Passed the Senate March 11, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 133.

[Senate Bill No. 61.]

INDIGENT DEFENDANTS—ATTORNEY'S FEES, EXPENSES —APPEAL COSTS—TRANSCRIPT.

AN ACT relating to the appointment and payment of counsel and the payment of certain costs and expenses for the accused in a criminal case who by reason of poverty is unable to employ counsel; amending section 53, chapter 249, Laws of 1909, as amended by section 1, chapter 151, Laws of 1941 and RCW 10.01.110; amending section 5, chapter 126, Laws of 1913 as last amended by section 4, chapter 244, Laws of 1957, and RCW 2.32.240; and adding a new section to chapter 10.01 RCW.

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

RCW 10.01.110 amended.

SECTION 1. Section 53, chapter 249, Laws of 1909 as amended by section 1, chapter 151, Laws of 1941, and RCW 10.01.110 are each amended to read as follows:

Indigent defendants.

Whenever a defendant shall be arraigned or first

appear before a court, magistrate or justice of the peace upon the charge that he has committed any felony, and the defendant has requested the court to appoint counsel to assist in his defense, and shall by his own oath or such other proof as may be required satisfy the court that he is unable, by reason of poverty, to procure counsel, the court shall appoint counsel, not exceeding two, for such defendant. Counsel so appointed shall be paid a reasonable amount as attorney's fees together with reimbursement of actual expenses necessarily incurred upon the court's order by the county in which such proceeding is had: *Provided*, That this section shall also apply to such other proceedings and at such other time as may be constitutionally required.

Counsel—
Right to—
Fees.

SEC. 2. There is added to chapter 10.01 RCW a new section to read as follows:

New section.

When a judge of the superior court, in the exercise of his discretion authorizes expenditure of funds on behalf of an individual criminal defendant who is unable by reason of poverty to procure counsel to perfect a review by the supreme court, and where the court re-appoints counsel representing the defendant at the trial or designates new counsel to represent the defendant in securing this review, all costs necessarily incident to the proper consideration of the appeal by the supreme court including preparation of the record, appropriate counsel fees to be determined by the supreme court, and actual travel expenses of counsel for appearance in the supreme court, shall be paid by the state, upon satisfaction of requirements established by supreme court rules and submission of appropriate vouchers to the clerk of the supreme court, from funds specifically appropriated by the legislature for that purpose.

Cost on appeal
to supreme
court—Right
to.

SEC. 3. Section 5, chapter 126, Laws of 1913 as last amended by section 4, chapter 244, Laws of 1957

RCW 2.32.240
amended.

and RCW 2.32.240 are each amended to read as follows:

Indigent defendants.
Transcript of record—Fee—Forma pauperis.

When a record has been taken in any cause as provided in RCW 2.32.180 through 2.32.320, if the court, or either party to the suit or action, or his attorney, request a transcript, the official reporter shall make, or cause to be made, with reasonable diligence, full and accurate transcript of the testimony and other proceedings, which shall, when certified to as hereinafter provided, be filed with the clerk of the court where such trial is had for the use of the court or parties to the action. The fees of the reporter for making such transcript shall be fixed in accordance with costs as allowed in cost bills in civil cases by the supreme court of the state of Washington, and when such transcript is ordered by any party to any suit or action, said fee shall be paid forthwith by the party ordering the same, and in all cases where a transcript is made as provided for under the provisions of RCW 2.32.180 through 2.32.320 the cost thereof shall be taxable as costs in the case, and shall be so taxed as other costs in the case are taxed: *Provided*, That when the defendant in any criminal case shall present to the court satisfactory proof by affidavit or otherwise that he is unable to pay for such transcript, the court may order said transcript to be made by the official reporter, which transcript fee therefor shall be paid by the state upon submission of appropriate vouchers to the clerk of the supreme court.

Severability.

SEC. 4. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 11, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 134

[Senate Bill No. 73.]

RECORDING BY COUNTY AUDITOR—LIABILITY—DUTIES.

AN ACT relating to the duties of the county auditor; amending section 2734, Code 1881 and RCW 65.04.110; and adding a new section to chapter 65.04 RCW.

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

SECTION 1. Section 2734, Code 1881, and RCW 65.04.110 are each amended to read as follows:

RCW 65.04.110 amended.

If any county auditor to whom an instrument, proved or acknowledged according to law, or any paper or notice which may by law be recorded is delivered for record: (1) Neglects or refuses to record such instrument, paper or notice, within a reasonable time after receiving the same; or (2) Records any instruments, papers or notices untruly, or in any other manner than as hereinbefore directed; or, (3) Neglects or refuses to keep in his office such indexes as are required by this act, or to make the proper entries therein; or, (4) Neglects or refuses to make the searches and to give the certificate required by this act; or if such searches or certificate are incomplete and defective in any important particular affecting the property in respect to which the search is requested; or, (5) Alters, changes or obliterates any records deposited in his office, or inserts any new matter therein; he is liable to the party aggrieved for the amount of damage which may be occasioned thereby: *Provided*, That if the name or names and address hand printed, printed or typewritten on any instrument, proved or acknowledged according to law, or on any paper or notice which may by law be filed or recorded, is or are incorrect, or misspelled or not the true name or names of the party or parties appearing thereon, the county auditor shall not, by rea-

County auditor. Recording, registration and legal publication by—Liability for damages.

son of such fact, be liable for any loss or damage resulting therefrom.

New section.

SEC. 2. There is added to chapter 65.04 RCW a new section to read as follows:

County auditor—Records. Names, how produced on records.

The name or names appearing on all documents or instruments, proved or acknowledged according to law, or on any paper which may by law be filed or recorded shall be hand printed, printed or typewritten so as to be legible and the county auditor shall index said documents and instruments in accordance with the hand printed, printed or typewritten name or names appearing thereon.

Passed the Senate March 11, 1965.

Passed the House March 10, 1965.

Approved by Governor March 20, 1965.

CHAPTER 135.

[Senate Bill No. 84.]

URBAN TRANSPORTATION SYSTEMS—FUEL TAX EXEMPTIONS AND REFUNDS.

AN ACT relating to taxation; amending section 82.36.275, chapter 15, Laws of 1961, as last amended by section 1, chapter 187, Laws of 1963, and RCW 82.36.275; and amending section 82.40.047, chapter 12, Laws of 1961, as last amended by section 2, chapter 187, Laws of 1963, and RCW 82.40.047.

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

RCW 82.36.275 amended.

SECTION 1. Section 82.36.275, chapter 15, Laws of 1961, as last amended by section 1, chapter 187, Laws of 1963, and RCW 82.36.275 are each amended to read as follows:

Motor vehicle fuel tax. Refunds for urban transportation systems.

Notwithstanding RCW 82.36.240, every urban passenger transportation system shall receive a refund of the amount of the motor vehicle fuel tax paid on each gallon of motor vehicle fuel used,

whether such vehicle fuel tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such tax to the price of such fuel.

For the purposes of this section "urban passenger transportation system" means every transportation system, publicly or privately owned, having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles and/or trackless trolleys, each having a seating capacity for over fifteen persons, over prescribed routes in such a manner that the routes of such motor vehicles and/or trackless trolleys (either alone or in conjunction with routes of other such motor vehicles and/or trackless trolleys subject to routing by the same transportation system) do not extend for a distance exceeding six road miles beyond the corporate limits of the city in which the original starting points of such motor vehicles are located: *Provided*, That no refunds authorized by this section shall be granted on fuel used by any urban transportation vehicle on any trip where any portion of said trip is more than six road miles beyond the corporate limits of the city in which said trip originated: *Provided further*, That this section shall expire June 30, 1967.

SEC. 2. Section 82.40.047, chapter 12, Laws of 1961, as last amended by section 2, chapter 187, Laws of 1963, and RCW 82.40.047 are each amended to read as follows:

RCW 82.40.047
amended.

Notwithstanding any provisions of law to the contrary, every urban passenger transportation system shall be exempt from the provisions of chapter 82.40 requiring the payment of use fuel taxes.

Use fuel tax.
Exemption.

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 trans-

Use fuel tax.
Exemption.

porting persons for compensation by means of motor vehicles and/or trackless trolleys, each having a seating capacity for over fifteen persons over prescribed route in such a manner that the routes of such motor vehicles and/or trackless trolleys, either alone or in conjunction with routes of other such motor vehicles and/or trackless trolleys subject to routing by the same transportation system, shall not extend for a distance exceeding six road miles beyond the corporate limits of the city in which the original starting points of such motor vehicles are located: *Provided*, That no refunds authorized by this section shall be granted on fuel used by any urban transportation vehicle on any trip where any portion of said trip is more than six road miles beyond the corporate limits of the city in which said trip originated: *Provided further*, That this section shall expire June 30, 1967.

Passed the Senate March 11, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 136.

[Senate Bill No. 159.]

SCHOOL DISTRICTS—JOINT FINANCING OF VOCATIONAL, TECHNICAL FACILITIES.

AN ACT relating to education; and authorizing school districts to jointly finance area vocational and/or technical facilities.

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

SECTION 1. Any school district may cooperate with one or more school districts in the joint financing of construction and/or equipping area vocational and/or technical facilities which are part of area vocational schools, or a part of a comprehensive

School dis-
tricts.
Joint
financing of
vocational
facilities—
Approval.

community college program: *Provided*, That any such cooperative financing plan must be approved by the state board of vocational education before it is organized.

[SEC. 2.] Nothing in this act shall be construed to authorize the construction of any vocational school, without the prior approval of the state board for vocational education.

Approval for school construction.

Passed the Senate March 11, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 137.

[Substitute Senate Bill No. 250.]

MOTOR VEHICLES—WEIGHT FEES.

AN ACT relating to motor vehicles; amending section 46.44.094, chapter 12, Laws of 1961 and RCW 46.44.094; and providing an effective date; and amending section 13, chapter 7, Laws of 1961 extraordinary session and RCW 46.16.075.

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

SECTION 1. Section 46.44.094, chapter 12, Laws of 1961 and RCW 46.44.094 are each amended to read as follows:

RCW 46.44.094 amended.

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:

Motor vehicles. Special permits for oversize, overweight movements—Fees.

- All overlegal loads, except overweight, single trip\$ 3.00
- Continuous operation of overlegal loads having either over-width or over-height features only for a period not to exceed thirty days\$20.00

Motor vehicles. Special permits for oversize, overweight movements—Fees.

Continuous operation of overlegal loads having over-length only for a period not to exceed thirty days\$10.00

Operation of combination of vehicles composed of more than two vehicles single trip\$ 3.00

Overweight Fee Schedule

Fee per mile on state highways

Weight over total registered gross weight plus additional gross weight purchased under provisions of RCW 46.44.095, 46.44.047, 46.44.037 or other statute authorizing the state highway commission to issue annual overweight permits.

1-5,999 pounds\$0.075

6,000-11,999 pounds.....\$0.015

12,000-17,999 pounds\$0.225

18,000-23,999 pounds\$0.375

24,000-29,999 pounds\$0.525

30,000-35,999 pounds\$0.675

36,000 pounds or more\$0.825

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 expire July 1, 1967.

—Same.

SEC. 2. 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\$ 3.00

Continuous operation of overlegal loads having either

over-width or over-height features only for a period not to exceed thirty days.....	\$20.00
Continuous operation of overlegal loads having over-length only for a period not to exceed thirty days.	\$10.00
Operation of combination of vehicles composed of more than two vehicles single trip	\$ 3.00

Overweight Fee Schedule

	Fee per mile on state highways
Weight over that allowed by statute	
1-5,999 pounds	\$0.10
6,000-11,999 pounds	\$0.20
12,000-17,999 pounds	\$0.30
18,000-23,999 pounds	\$0.50
24,000-29,999 pounds	\$0.70
30,000-35,999 pounds	\$0.90
36,000 pounds or more	\$1.10

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.

SEC. 3. Section 13, chapter 7, Laws of 1961 extraordinary session and RCW 46.16.075 are each amended to read as follows:

RCW 46.16.075 amended.

In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each motor truck or truck tractor which is propelled by steam, electricity, natural gas, diesel oil, based upon the maximum gross weight thereof as set by the licensee in his application, or otherwise, the following fees: *Provided, however,* That all trucks or truck tractors having an unladen weight of more than four thousand pounds shall be licensed for not less than

Gross weight fees on trucks propelled other than by gasoline.

Motor vehicles. Gross weight fees on trucks propelled other than by gasoline.

one hundred fifty percent of its empty weight unless such an amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.040 in which event the vehicle shall be licensed for the maximum gross load specified for such a vehicle in RCW 46.44.040:

Up to 5,000 lbs.....	\$6.50
5,000 lbs. or more and less than 6,000 lbs.....	\$12.50
6,000 lbs. or more and less than 8,000 lbs.....	\$22.00
8,000 lbs. or more and less than 10,000 lbs....	\$28.00
10,000 lbs. or more and less than 12,000 lbs....	\$37.00
12,000 lbs. or more and less than 14,000 lbs....	\$45.50
14,000 lbs. or more and less than 16,000 lbs....	\$55.00
16,000 lbs. or more and less than 18,000 lbs....	\$78.00
18,000 lbs. or more and less than 20,000 lbs....	\$106.00
20,000 lbs. or more and less than 22,000 lbs....	\$137.00
22,000 lbs. or more and less than 24,000 lbs....	\$176.00
24,000 lbs. or more and less than 26,000 lbs....	\$225.00
26,000 lbs. or more and less than 28,000 lbs....	\$275.00
28,000 lbs. or more and less than 30,000 lbs....	\$325.00
30,000 lbs. or more and less than 32,000 lbs....	\$381.00
32,000 lbs. or more and less than 34,000 lbs....	\$430.00
34,000 lbs. or more and less than 36,000 lbs....	\$494.00

Passed the Senate March 11, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 138.

[Senate Bill No. 280.]

MUNICIPAL CORPORATIONS—INCORPORATION.

AN ACT relating to municipal corporations of the fourth class; amending section 35.21.010, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.21.010.

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

SECTION 1. Section 35.21.010, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.21.010 are each amended to read as follows:

RCW 35.21.010 amended.

Municipal corporations now or hereafter organized are bodies politic and corporate under the name of the city of, or the town of, as the case may be, and as such may sue and be sued, contract or be contracted with, acquire, hold, possess and dispose of property, subject to the restrictions contained in other chapters of this title, having a common seal, and change or alter the same at pleasure, and exercise such other powers, and have such other privileges as are conferred by this title: *Provided*, That not more than two square miles in area shall be included within the corporate limits of a municipal corporation of the fourth class having a population of fifteen hundred or less, or located in class AA counties, and not more than three square miles in area shall be included within the corporate limits of a municipal corporation of the fourth class having a population of more than fifteen hundred in counties other than class AA, nor shall more than twenty acres of unplatted land belonging to any one person be taken within the corporate limits of municipal corporations of the fourth class without the consent of the owner of such unplatted land: *Provided further*, That the original incorporation of municipal corporations of the fourth class shall be limited to an area of not

Towns. General corporate powers—Municipal corporation of the fourth class, restrictions as to area.

more than one square mile and a population as prescribed in RCW 35.01.040.

Passed the Senate March 11, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 139.

[Senate Bill No. 304.]

SCHOOLS—INTERMEDIATE DISTRICTS.

AN ACT relating to education; and amending section 31, chapter 157, Laws of 1955 as amended by section 27, chapter 216, Laws of 1959 and RCW 28.19.120; amending section 30, chapter 157, Laws of 1955 as amended by section 26, chapter 216, Laws of 1959 and RCW 28.19.180; amending section 25, page 11, Laws of 1886 as last amended by section 9, chapter 216, Laws of 1959 and RCW 28.20.010; amending section 24, chapter 157, Laws of 1955 and RCW 28.20.013; amending section 25, chapter 157, Laws of 1955, and RCW 28.20.015; amending section 28, chapter 216, Laws of 1959 and RCW 28.20.045; amending section 3, page 336, Laws of 1909 and RCW 28.70.110; amending section 5, chapter 128, Laws of 1917 and RCW 28.81.100; adding a new section to chapter 28.01 RCW; adding new sections to chapter 28.19 RCW; adding a new section to chapter 28.71 RCW and repealing sections 22 and 23, chapter 157, Laws of 1955 and RCW 28.19-.130 and 28.19.140, section 26, chapter 157, Laws of 1955 and RCW 28.19.150, section 29, chapter 216, Laws of 1959 and RCW 28.19.155, sections 27 and 28, chapter 157, Laws of 1955 and RCW 28.19.160 and 28.19.170, section 24, chapter 216, Laws of 1959 and RCW 28.19.185, section 3, page 315, Laws of 1909 as amended by section 1, chapter 114, Laws of 1939 and RCW 28.71.040, section 5, page 315, Laws of 1909 as amended by section 1, chapter 15, Laws of 1909 extraordinary session and RCW 28.71.050, section 7, page 316, Laws of 1909 and RCW 28.71.060, and section 10, page 360, Laws of 1909 and RCW 28.71.090.

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

New section.

SECTION 1. There is added to chapter 28.19 RCW a new section to read as follows:

It shall be the intent and purpose of this act to

establish the methods, procedures and means necessary to reorganize existing offices of county superintendent of schools into intermediate district offices in order that the territorial organization of the intermediate districts may be more readily adapted to the changing economic pattern and educational program in the state, so that the children in the state will be provided with equal educational opportunities.

County superintendent of schools—
Intermediate district offices.
Purpose.

SEC. 2. There is added to chapter 28.19 RCW a new section. new section to read as follows:

The following terms whenever used in this act shall have the meaning as in this section ascribed to them unless where used the context thereof clearly indicates to the contrary: Definitions.

(1) "State board" shall mean the state board of education.

(2) "Intermediate district" shall mean the territory, the boundaries and names of which are established and designated by the state board, under the jurisdiction of a board referred to as the intermediate district board of education and a superintendent referred to as the intermediate district superintendent.

(3) "Intermediate district board" shall mean the intermediate district board of education created by this act.

(4) "County committee" shall mean the county committee on school district organization created by chapter 28.57 RCW.

(5) "School director" shall mean a regularly constituted member of a local district school board of directors.

(6) "Service area" shall mean such a county or contiguous counties or portions of contiguous counties as the county boards of such counties or portions thereof, or the state board, shall deem a potential intermediate district.

(7) "County board" shall mean the regularly constituted supervisory body as provided for in RCW

28.20.010 and existing in any county not a part of an intermediate district.

New section.

SEC. 3. There is added to chapter 28.19 RCW a new section to read as follows:

County super-
intendent of
schools—Inter-
mediate dis-
trict offices.
Service areas—
Procedure for
adoption.

A statewide plan of designated areas, each of which shall be deemed a potential intermediate district, shall be established by the state board of education in the manner provided by this section.

Within 120 calendar days following the effective date of this 1965 amendatory act, the county boards of education, after having consulted with their respective county superintendents, shall submit to the state board of education a recommended plan or plans for service areas within the state.

Within 240 calendar days following the effective date of this 1965 amendatory act, the state board of education shall adopt a statewide plan of service areas. Prior to the adoption of that plan, the state board shall hold at least one public hearing thereon and shall consider the recommended plan or plans of the county boards of education which have been submitted to the state board. Such plan or plans may be amended from time to time by the state board of education after at least one public hearing on such proposed amendments.

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

New section.

SEC. 4. There is added to chapter 28.19 RCW a new section to read as follows:

Program of
services neces-
sary for state
funds—Ap-
proval.

No state funds shall be allocated to the office of any county superintendent located within any service area approved by the state board until a program of services has been adopted by the county board or county boards in such service area for the school dis-

tricts of such service area and approved by the state board of education. Such program shall include, but not be limited to, the supplying or coordination of one or more services by the offices of county superintendent in that service area.

SEC. 5. There is added to chapter 28.19 RCW a new section to read as follows:

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

Directors' convention to vote on formation—District effective, when.

SEC. 6. There is added to chapter 28.19 RCW a new section to read as follows:

All county superintendents of the counties comprising the intermediate district or part thereof shall continue in office until the expiration of the respective terms of office for which they were elected. At the next election for county superintendents, there shall be elected by all of the voters of the intermediate district one superintendent for the intermediate district who shall have the qualifications and duties and powers for the intermediate district as are provided by law for the county superintendent of each county school district. If only a portion of a county is included in an intermediate district, then there shall be elected for the remainder of that county

Superintendents' terms upon formation of district.

(which then shall be deemed to constitute a separate county school district) a county superintendent to perform the duties of county superintendent for that county school district.

New section.

SEC. 7. There is added to chapter 28.19 RCW a new section to read as follows:

County super-
intendent of
schools—Inter-
mediate dis-
trict offices.
Filing for
office, where.

The filing for the office of intermediate district superintendent for the first election in any intermediate district to be established on the order of the state board, shall be made with the auditor of the most populous county within such intermediate district and shall be certified by such auditor to the auditors of the other county or counties comprising such intermediate district. Thereafter, the filing for the office of intermediate district superintendent shall be made with the county auditor of the county in which the office of the intermediate superintendent is located and shall be certified by such auditor to the auditors of the other counties within the intermediate district.

New section.

SEC. 8. There is added to chapter 28.19 RCW a new section to read as follows:

Vacancies in or
abolishment of
superintend-
ents' offices to
result in for-
mation of dis-
trict.

(1) If an approved service area contains only two counties, or portions thereof, and a vacancy occurs in the office of county superintendent in either of those counties for any cause and a person is not appointed to fill the vacancy within ninety days, the state board shall declare the two counties or portions thereof, in such service area to thereafter constitute an intermediate district. In that event, the remaining county superintendent shall become the superintendent of the intermediate district until the end of his term of office with all the powers and duties as if he had been elected to that office by the people of the entire intermediate district. The salary of such intermediate district superintendent shall be determined by the

school enrollment of the intermediate district as provided in section 13 of this 1965 amendatory act.

(2) If an approved service area contains only two counties, or portions thereof, and no candidate is elected to the office of county superintendent in one of those counties, the state board shall declare the two counties or portions thereof in such service area to thereafter constitute an intermediate district which shall become effective at the end of the term of office of the county superintendent of the other county in such intermediate district. The county superintendent elected in such other county shall become the intermediate district superintendent at the beginning of the term of office for which he was elected county superintendent, with all the powers and duties as if he had been elected to that office by the people of the entire intermediate district. The salary of such intermediate district superintendent shall be determined by the school enrollment of the intermediate district as provided in section 13 of this 1965 amendatory act.

(3) If an approved service area contains only two counties, or portions thereof, and the county superintendency of one of the two counties is, or has been, abolished pursuant to RCW 28.19.190, the state board shall declare the two counties, or portions thereof, in such service area to thereafter constitute an intermediate district. In that event, the county superintendent of the other county of the intermediate district shall become the superintendent of the intermediate district until the end of his term of office with all the powers and duties as if he had been elected to that office by the people of the entire intermediate district. The salary of such intermediate district superintendent shall be determined by the school enrollment of the intermediate district as provided in section 13 of this 1965 amendatory act. Thereafter the intermediate district superintendent

shall be elected by all the voters of the intermediate district as provided in section 6 of this 1965 amendatory act.

New section.

SEC. 9. There is added to chapter 28.19 RCW a new section to read as follows:

County superintendent of schools—Intermediate district offices. Vacancies or abolishment of superintendents' offices to result in formation of district—When more than two counties.

If a service area contains more than two counties, or two or more counties and a portion or portions of other counties, and a vacancy occurs in the office of county superintendent in one of the counties for any cause and a person is not appointed to fill the vacancy within ninety days, or if no candidate is elected to the office of county superintendent, or if the county superintendency is, or has been, abolished in one of those counties pursuant to RCW 28.19.190, the state board shall designate the county superintendent of a contiguous county in that service area to be the county superintendent of both counties within the service area with all the powers and duties as if he had been elected by the people of both counties: *Provided*, That in the case of failure to elect a county superintendent, the designated county superintendent shall commence his duties in the other county on the date of the commencement of his next term of office.

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

The allocation of funds from the respective counties shall be made in the same manner as that provided for intermediate districts in section 17 of this 1965 amendatory act.

SEC. 10. Section 24, chapter 157, Laws of 1955 and RCW 28.20.013 are each amended to read as follows:

RCW 28.20.013
amended.

Upon the formation of an intermediate district as provided in this 1965 amendatory act the county committees on school district reorganization of the counties within the intermediate district shall redistrict the counties embraced by such intermediate district into five board member districts within the intermediate district in the manner set forth in RCW 28.20.010 as though the counties within the intermediate district were one county, and thereafter, at the next annual school election, there shall be elected in the manner provided in RCW 28.20.010, the intermediate district board of education: *Provided*, That until the intermediate district board shall have been elected and qualified all county boards shall continue as theretofore: *Provided further*, That the election and terms of the members of the first intermediate district board shall be determined in the manner provided in RCW 28.20.010, except that filings for candidacy shall be with the county auditor of the most populous county whose office is within the intermediate district.

Intermediate
district board
of education
upon forma-
tion of district.

In the event of a vacancy in the intermediate district board from any cause, such vacancy shall be filled by appointment of a person from the same intermediate board member district by the boards of county commissioners of the counties comprising the intermediate district. Such appointed board member shall serve until the next general election, at which time there shall be elected a board member to fill the unexpired term of the board member whose position had been vacated.

SEC. 11. Section 25, chapter 157, Laws of 1955 and RCW 28.20.015 are each amended to read as follows:

RCW 28.20.015
amended.

—Qualifications, Powers and duties.

The intermediate district board of education must have the same qualifications and shall have the same duties and powers for the intermediate district as the qualifications required and the powers and duties of such boards of the individual counties.

New section.

SEC. 12. There is added to chapter 28.19 RCW a new section to read as follows:

—Board duties.

Every intermediate district board shall perform the duties outlined for county boards in RCW 28.20-.040 and in addition shall:

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

(2) Fix a higher rate of salary of the intermediate district superintendent than the minimum established in section 14 of this 1965 amendatory act when it is deemed by the intermediate district board of education to be in the best interest of the intermediate district to do so.

New section.

SEC. 13. There is added to chapter 28.19 RCW a new section to read as follows:

—Superintendent's minimum salary designated.

The minimum salary of the superintendent of schools of an intermediate school district shall be based on the number of children attending public schools in grades kindergarten through twelve of the intermediate district, as determined on October 1 of the previous year, and shall be as follows:

School Enrollment	Salary
Less than 5,000	\$ 8,000
5,000 to 9,999, inclusive	9,000
10,000 to 14,999, inclusive	10,000
15,000 to 19,999, inclusive	11,000
20,000 to 24,999, inclusive	12,000
25,000 to 29,999, inclusive	13,000
30,000 to 34,999, inclusive	14,000
35,000 or more	15,000

New section.

SEC. 14. There is added to chapter 28.19 RCW a new section to read as follows:

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

County superintendent of schools—Intermediate districts. Withdrawal from district—Procedure.

County super-
intendent of
schools—In-
termediate dis-
tricts. With-
drawal from.

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

New section.

SEC. 15. There is added to chapter 28.19 RCW a
new section to read as follows:

Combining of
funds upon
formation of
district—Dis-
tribution of
upon with-
drawal.

Whenever an intermediate district is formed, all
funds under the control of the office of each county
superintendent or county board of education of each
county to be combined into an intermediate district
shall be combined into intermediate district funds as
provided in section 17 of this 1965 amendatory act,
except that where only a portion of a county becomes
a part of an intermediate district, then only a portion
of the funds of the office of county superintendent and
county board of education shall be combined into the
funds of the intermediate district. The portion of
such funds to be combined shall be determined as
follows:

(1) Of the general funds of the county superin-
tendent, that amount representing the same propor-
tion as the assessed valuation of the property for tax
purposes of the portion of the county being combined
into the intermediate district is to the assessed valua-
tion of all county property.

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

(3) Of the county institute fund, the amount
representing the same proportion as the number of
teachers employed by school districts in the portion
of the county being combined into the intermediate

district is to the number of teachers employed by all school districts in the entire county not maintaining a separate institute fund.

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

SEC. 16. Section 25, page 11, Laws of 1886 as last amended by section 9, chapter 216, Laws of 1959 and RCW 28.20.010 are each amended to read as follows:

RCW 28.20.010
amended.

In each county, not within an intermediate district, there shall be a county board of education, which shall consist of five members elected by the voters of the county, one from each of five county board-member districts, such districts to be determined by the county committee on school district organization. Such county board-member districts shall be arranged on a basis of equal population and so that not more than one member of the county board shall come from any one school district: *Provided*, That in counties having less than five school districts, then the county board-member districts shall be arranged so as to give, as far as practicable, representation, according to equal population: *Provided further*, That the county committee, at any time that such committee deems it advisable, shall change the boundaries of county board-member districts so as to provide as far as practicable equal representation according to population of such board-member districts.

County board
of education.
Members—
Terms, vacan-
cies—Board
member dis-
tricts.

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

County board of education. Members—Terms, vacancies—Board member districts.

Filing of candidacy for the county board shall be with the county superintendent not more than sixty days nor less than forty-five days prior to the election, and he shall certify the names to the officials conducting the elections in all districts.

Election of board members shall be held at the time of the regular election of school district directors. Such election shall be called and notice thereof given by the county superintendent in the manner provided by law for giving notice of the election of school district directors and such election shall be conducted by the official in each school district who conducts the election of school district directors and in conjunction with the election of school district directors. The term of office for each board member shall be four years and until his successor is duly elected and qualified.

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

RCW 28.19.180 amended.

SEC. 17. Section 30, chapter 157, Laws of 1955 as amended by section 26, chapter 216, Laws of 1959 and RCW 28.19.180 are each amended to read as follows:

Budget for intermediate district—Intermediate district fund.

The budget of the intermediate district superintendent shall be approved by the intermediate district board of education. The boards of county commissioners of the counties within an intermediate

district shall allocate from county funds for the intermediate district superintendent's budget a total amount sufficient to allow the intermediate district superintendent to fulfill the duties and powers of his office. Each county shall allocate a percentage of the total amount as determined above equal to the percentage that the assessed value of all taxable property in the intermediate district within that county bears to the assessed value of all taxable property in the intermediate district. The county commissioners of each county within the intermediate district shall order the transfer of such funds to the county treasurer in the county wherein the intermediate district superintendent's office is located to be credited to intermediate district fund, and the county treasurer of said county shall be the custodian of the fund, and the auditor of said county shall keep a record of receipts and disbursements, and shall draw and the county treasurer shall honor and pay the warrants.

SEC. 18. Section 31, chapter 157, Laws of 1955 as amended by section 27, chapter 216, Laws of 1959 and RCW 28.19.120 are each amended to read as follows:

RCW 28.19.120
amended.

The state board of education shall examine the budget of each county or intermediate district superintendent and fix the amount to be allocated thereto from state funds and certify to the state superintendent of public instruction the amount of state funds needed for the county or intermediate district superintendents' budgets as approved by the state board of education and shall require the state superintendent of public instruction to allocate this amount from the current state school fund or from funds otherwise appropriated for that purpose to the county treasurers for deposit to the credit of the county or intermediate district superintendents' budget for the use of the common schools. In each county or intermediate district, there is hereby created a

—Duties of
state board—
Allocation by
superintendent
of public in-
struction—
Special service
fund.

County superintendent of schools—Intermediate district offices.

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

RCW 28.20.045 amended.

SEC. 19. Section 28, chapter 216, Laws of 1959 and RCW 28.20.045 are each amended to read as follows:

Procedure when change in school district boundary affects board member district boundary.

If the boundaries of any school district within a county or within an intermediate district as provided for in this chapter and chapter 28.19 are changed in any manner so as to affect county or intermediate district board-member districts, the boundaries of the districts so affected shall be changed by the county committee on school district organization of the county in which such districts lie so as to include all of the school district as constituted by such change of boundaries within the county board-member district in which such school district was located before its change of boundaries was effected.

RCW 28.70.110 amended.

SEC. 20. Section 3, page 336, Laws of 1909 and RCW 28.70.110 are each amended to read as follows:

Teachers' certification—Fees for.

The fee for any regular teaching certificate, or any renewal thereof, issued by the authority of the state of Washington, and authorizing the holder to teach in the public schools of the state shall be one dollar. The fee for any emergency, substitute, temporary, or provisional teaching certificate shall be one dollar. The fee must accompany the application and cannot be refunded unless the application is withdrawn before it is finally considered. The county superintendent, intermediate district superintendent, or other

officer authorized to receive such fee, shall within thirty days transmit the same to the treasurer of the county wherein such applicant is to teach or resides, or to the treasurer of the county in which the office of the intermediate district superintendent is located, to be by him placed to the credit of the institute fund of said city or county, or in the case of an intermediate district, to be placed in the intermediate institute fund which shall be created by the intermediate district board: *Provided*, That if any city collecting fees for the certification of teachers does not hold an institute separate from the county, then all such moneys shall be placed to the credit of the county institute fund or intermediate district institute fund, as the case may be.

SEC. 21. There is added to chapter 28.71 RCW a New section. new section to read as follows:

The county superintendent or intermediate district superintendent must arrange each year for the holding of one or more teachers' institutes and/or workshops for in-service training, in such manner and at such time as he believes will be of benefit to the teachers of the county or the intermediate district. He may provide such additional means of teacher in-service training as he may deem necessary or appropriate and there shall be a proper charge against the county or intermediate district institute fund when approved by the county or intermediate district board.

Teachers' institutes, in-service training—
Joint meetings—
—Expenses, sharing of—
Record of.

County superintendents of contiguous counties and/or intermediate districts may by mutual arrangements hold joint institutes and/or workshops, the expenses to be shared in proportion to the numbers of certificated personnel as shown by the last annual reports of the county superintendents and/or intermediate district superintendents holding such joint institutes or workshops.

Teachers' institutes, in-service training—
Joint meetings—
—Expenses, sharing of—
Record of.

In districts employing more than one hundred teachers, the city superintendent may, in his discretion, hold a teachers' institute of two, three, four or five days in such district, said institute when so held by the city superintendent to be in all respects governed by the provisions of this code relating to teachers' institutes held by county superintendents.

Each county or intermediate district superintendent or city superintendent shall, prior to the holding of the annual teachers' institute, make an estimate of the necessary expenses thereof; and the county commissioners must, thereupon, and prior to the date of holding said institute, place at the disposal of the proper superintendent out of the county current expense fund such an amount, not to exceed two hundred dollars, as in addition to the amount then in the hands of the county treasurer in the institute fund, will meet the superintendent's estimate.

The county, intermediate or city district superintendent must keep an accurate account of the actual expenses of institutes and/or workshops with vouchers for same and make a complete report to the county auditor, which shall be placed on file in his office as a part of the regular files.

New section.

SEC. 22. There is added to chapter 28.01 RCW a new section to read as follows:

Intermediate districts, what may constitute.

County school districts, as defined in RCW 28.01-.030, and/or parts thereof which are combined pursuant to chapter 28.19 RCW and this 1965 amendatory act shall constitute intermediate districts. A part of a single county school district may also become an intermediate district pursuant to chapter 28.19 RCW and this 1965 amendatory act.

RCW 28.81.100 amended.

SEC. 23. Section 5, chapter 128, Laws of 1917 and RCW 28.81.100 are each amended to read as follows:

State colleges. Extension department for teachers.

In order to assist teachers who are now in the service and candidates for certificates to meet the

new requirements in education without undue hardship, each state college shall establish and maintain an extension department. The work of the department shall be planned in a manner to supplement the previous training of teachers in service in the state, and the subject matter studied shall comprise the usual subjects included in the state college curriculum.

In order to prevent overlapping of territory in connection with this extension work, the state board of education shall district the state making a definite assignment of territory to each institution. The head of the extension department of each state college after being assigned specific territory shall cooperate with the several county superintendents or educational executive officers of the several counties in planning the work for each year which shall be set forth in writing, a copy to be retained by each and a copy forwarded to the state superintendent of public instruction.

At the close of the year, a report of the work shall be made jointly by the extension department and the county superintendent. A copy of the same is to be filed with the state college having charge of the work and a copy to the state superintendent of public instruction.

SEC. 24. Sections 22 and 23, chapter 157, Laws of 1955 and RCW 28.19.130 and 28.19.140, section 26, chapter 157, Laws of 1955 and RCW 28.19.150, section 29, chapter 216, Laws of 1959 and RCW 28.19.155, sections 27 and 28, chapter 157, Laws of 1955 and RCW 28.19.160 and 28.19.170, section 24, chapter 216, Laws of 1959 and RCW 28.19.185, section 3, page 315, Laws of 1909 as amended by section 1, chapter 114, Laws of 1939 and RCW 28.71.040, section 5, page 315, Laws of 1909 as amended by section 1, chapter 15, Laws of 1909 extraordinary session and RCW 28.71.050, sec- Repeal.

tion 7, page 316, Laws of 1909 and RCW 28.71.060, and section 10, page 360, Laws of 1909 and RCW 28.71.090 are each hereby repealed.

Severability. SEC. 25. If any provision of this 1965 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1965 amendatory act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 11, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 140.

[Senate Bill No. 335.]

BANKS AND TRUST COMPANIES.

AN ACT relating to banks and trust companies; providing for authorized but unissued stock for particular purposes and for stock option plans; amending section 30.08.090, chapter 33, Laws of 1955 and RCW 30.08.090; and amending section 30.12.080, chapter 33, Laws of 1955, as amended by section 3, chapter 106, Laws of 1959, and RCW 30.12.080.

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

Banks, trust companies, capital stock. Authorized but unissued shares permitted—Minimum consideration for.

SECTION 1. Solely to have shares of its capital stock available for issuance and sale pursuant to approved stock option plans or for the purpose of issuing and selling minimum qualifying shares to new directors, any bank or trust company may provide in its articles of incorporation or amendments thereto for authorized but unissued shares of its capital stock, in an amount not to exceed ten percent of its authorized capital stock. If such shares are issued pursuant to approved stock option plans, the consideration received for such shares shall not be less than the higher of par value or one hundred percent of fair

market value of the shares at the time the option is granted. If such shares are issued in order to qualify a new director of the corporation, the consideration received shall be not less than the higher of par value or ninety-five percent of the fair market value of the shares at the time of the sale.

SEC. 2. Any amendments to articles of incorporation which provide for authorized but unissued stock shall be made as provided in the case of a capital increase which is to be paid in full before becoming effective. However, the authorized but unissued shares shall not become a part of the capital stock except for the purposes hereof until they have been issued and paid for in cash. Prior to the issuance of authorized but unissued stock for the purpose of qualifying a new director, the bank shall notify the supervisor of the proposed issuance and the consideration to be received therefor and receive the supervisor's approval thereof.

Amending corporation articles to allow for, procedure—Approval before issuance.

SEC. 3. Section 30.08.090, chapter 33, Laws of 1955, and RCW 30.08.090 are each amended to read as follows:

RCW 30.08.090 amended.

Any bank or trust company may increase or decrease its capital stock or otherwise amend its articles of incorporation, in any manner not inconsistent with the provisions of this title, by a vote of the stockholders representing two-thirds of its issued capital stock at any regular meeting, or special meeting duly called for that purpose in the manner prescribed by its bylaws: *Provided*, That notice of a meeting to increase or decrease authorized capital stock shall first be published once a week for four weekly issues in a newspaper published in the place in which such corporation is located, or if there be no newspaper published in such place, then in some newspaper published in the same county. The notice shall state the purpose of the meeting, the amount of

Increase or decrease of capital stock—Statement of condition to reflect unissued stock.

Banks, trust companies, capital stock. Increase or decrease of—Statement of conditions to reflect un-issued stock.

the present authorized capital stock of the bank or trust company and the proposed new authorized capital stock. A certificate of the fact and the terms of the amendment shall be executed by a majority of the directors and filed as required herein for articles of incorporation. Except when an amendment provides for authorized but unissued shares as permitted in this title, no increase of authorized capital stock shall be valid, until the amount thereof shall have been subscribed and actually paid in and a certificate of increase is received from the supervisor. No reduction of the capital stock shall be made to an amount less than is required for capital, nor be valid, nor warrant the cancellation of stock certificates, nor diminish the personal liabilities of the stockholders until such reduction has been approved by the supervisor, nor shall any reduction relieve any stockholder from any liability of the corporation incurred prior thereto. No amendment shall be made whereby a bank becomes a trust company unless such bank shall first receive permission from the supervisor.

Banks having authorized but unissued stock shall disclose on all statements of condition the amount of authorized stock and the amount of issued and paid in stock, as certified by the supervisor. The supervisor shall certify to each bank having authorized but unissued stock the amount of its issued and paid in capital stock and this amount shall be used in all statements of condition and in computing the capital of the bank for purposes of determining loan or investment limits and branching powers until a new certificate is issued by the supervisor. In cases where a bank issues authorized but unissued stock as permitted by this title, a new certificate need not be requested upon each stock issue. However, if the bank so requests and the supervisor approves, a certificate of issued and paid in capital stock shall be issued by the supervisor. A new certificate must be requested

at such time as any increase of paid in capital stock represents five percent of the authorized capital stock and at such time as there is no remaining authorized but unissued stock.

SEC. 4. Every bank or trust company incorporated under the laws of this state may grant options to purchase, and issue and sell, shares of its capital stock to its employees or officers or a trustee in their behalf upon the terms and conditions of a stock option plan adopted by its board of directors, approved by a vote of the stockholders representing two-thirds of its capital stock at a meeting where the approval is sought, and approved by the supervisor in writing. In the absence of actual fraud in the transaction and within the limits of the particular stock option plan, the judgment of the board of directors and of any committee provided for in the stock option plan as to the consideration for the issuance of the options and the sufficiency thereof and as to the recipients of the options shall be conclusive.

Stock purchase option for employees, etc.—Approval—Judgment on, when conclusive.

SEC. 5. Section 30.12.080, chapter 33, Laws of 1955, as amended by section 3, chapter 106, Laws of 1959, and RCW 30.12.080, are each amended to read as follows:

RCW 30.12.080 amended.

A director, officer or employee of a bank or trust company shall not:

Restrictions on officers and employees.

(1) Have any interest, direct or indirect, in the profits of the corporation except to receive reasonable compensation for services actually rendered, which, in the case of an officer or director, shall be determined by the board of directors; and except to receive dividends upon any stock of the corporation that he may own, the same as any other stockholder and under the same regulations and conditions; and except to receive interest upon deposits he may have with the corporation, the same as other like depositors and under the same regulations and con-

Banks, trust
companies.
Restrictions on
officers and
employees.

ditions: *Provided*, That nothing in this section shall be construed to prevent the payment to an employee of a salary bonus in addition to his normal salary, when such bonus is authorized by a resolution adopted by a vote of a majority of the board of directors of such corporation: *Provided further*, That nothing in this section shall be construed to prevent the establishment by vote of the stockholders of such bank or trust company, of a profit-sharing retirement trust or plan and the making of contributions thereto by such bank or trust company: *Provided further*, That nothing in this section shall be construed to prevent the establishment by the corporation of stock purchase option plans as otherwise permitted by law.

(2) Become a member of the board of directors of any other bank or trust company or a national banking association, of which board enough other directors, officers or employees of the corporation are members to constitute with him a majority of its board of directors.

(3) Receive directly or indirectly and retain for his own use any commission or benefit from any loan made or other transaction had by the corporation, or any pay or emolument for services rendered to any borrower from the corporation or from any person transacting business with it, in connection with the loan or transaction, except that an attorney for the corporation, though he be a director thereof, may receive reasonable compensation for professional services rendered the borrower or other person.

Passed the Senate March 11, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 141.

[Senate Bill No. 285.]

IRRIGATION DISTRICTS—SANITARY SEWERS AND SEWAGE DISPOSAL PLANTS.

AN ACT relating to irrigation districts; authorizing the acquisition and operation of sanitary sewers and sewer disposal or treatment plants; amending section 2, chapter 138, Laws of 1923 as last amended by section 1, chapter 57, Laws of 1943 and RCW 87.03.015; and amending section 5, chapter 138, Laws of 1923 and RCW 87.03.120, 87.03.125 and 87.03.130.

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

SECTION 1. Section 2, chapter 138, Laws of 1923 as last amended by section 1, chapter 57, Laws of 1943 and RCW 87.03.015 are each amended to read as follows:

RCW 87.03.015 amended.

Any irrigation district, operating and maintaining an irrigation system, in addition to other powers conferred by law, shall have authority:

Irrigation districts. Certain powers of district enumerated.

(1) To purchase, and sell electric power to the inhabitants of the irrigation district for the purposes of irrigation and domestic use, to acquire, construct and lease dams, canals, plants, transmission lines, and other power equipment and the necessary property and rights therefor and to operate, improve, repair and maintain the same, for the generation and transmission of electrical energy, used in the operation of pumping plants and irrigation systems of the district, and to sell the surplus of any such electrical energy over and above the requirements of the irrigation districts to municipalities, public and private corporations and individuals, on such terms and conditions as the board of directors shall determine: *Provided*, That no contract entered into by such board for the sale of electrical energy to continue for a period longer than ten years shall be binding on the district until ratified by a majority

Irrigation districts. Certain powers of district enumerated.

vote of the electors of the district at an election therein, called, held and canvassed for that purpose in the same manner as that provided by law for district bond elections.

(2) To construct, repair, purchase, maintain or lease a system for the sale or lease of water to the owners of irrigated lands within the district for domestic purposes.

(3) To construct, repair, purchase, lease, acquire, operate and maintain a system of drains, sanitary sewers, and sewage disposal or treatment plants as herein provided.

(4) To assume, as principal or guarantor, any indebtedness to the United States under the federal reclamation laws, on account of district lands.

(5) To maintain, repair, construct and reconstruct ditches, laterals, pipe lines and other water conduits used or to be used in carrying water for irrigation of lands located within the boundaries of a city or town where the owners of land within such city or town shall use such irrigation works to carry water to the boundaries of such city or town for irrigation or other purposes within such city or town, and to charge to such city or town the pro rata proportion of the cost of such maintenance, repair, construction and reconstruction work in proportion to the benefits received by the lands served and located within the boundaries of such city or town, and if such cost is not paid, then and in that event said irrigation district shall have the right to prevent further water deliveries through such irrigation works to the lands located within the boundaries of such city or town until such charges have been paid.

(6) To acquire, install and maintain as a part of the irrigation district's water system the necessary water mains and fire hydrants to make water available for fire fighting purposes; and in addition any such irrigation district shall have the authority to

repair, operate and maintain such hydrants and mains.

This section shall not be construed as in any manner abridging any other powers of an irrigation district conferred by law.

SEC. 2. Section 5, chapter 138, Laws of 1923 (heretofore divided and codified as RCW 87.03.120, 87.03.125 and 87.03.130) is divided and amended as set forth in sections 3 through 5 of this act.

Legislative
jingle.

SEC. 3. (RCW 87.03.120) Whenever, in the judgment of the district board, a system of drainage, sanitary sewers, or sewage disposal or treatment plants for any lands included in the operation of the district will be of special benefit to the lands of the district as a whole, it shall pass a resolution to that effect and call a further meeting of the board to determine the question. Notice of said meeting shall be given by the secretary for the same length of time and in the same manner as required by law for the meeting of the county board to hear the petition for the organization of the district. At the time and place mentioned in the notice the board shall meet, hear such evidence as shall be presented, and fully determine the matter by resolution which said resolution shall be final and conclusive upon all persons as to the benefit of said system of drainage, sanitary sewers, or sewage disposal or treatment plants to the lands in the district.

RCW 87.03.120
amended.

Drainage, sanitary sewer or sewage disposal or treatment plant question. Notice—Resolution.

SEC. 4. (RCW 87.03.125) Upon the passing of said resolution, the district shall in all respects have the same power and authority as is now, or may hereafter be, conferred respecting irrigation and all powers in this act conferred upon irrigation districts with respect to irrigation shall be construed to include drainage systems, sanitary sewers, and sewage disposal or treatment plants in conjunction therewith as herein provided.

RCW 87.03.125
amended.
—Powers
upon passage
of resolution.

RCW 87.03.130 amended. Irrigation districts. Change of name.

SEC. 5. (RCW 87.03.130) Any district heretofore or hereafter organized and existing, may change its name by filing with the board of county commissioners of the county in which was filed the original petition for the organization of the district, a certified copy of a resolution of its board of directors adopted by the unanimous vote of all the members of said board at a regular meeting thereof providing for such change of name; and thereafter all proceedings of such district shall be had under such changed name, but all existing obligations and contracts of the district entered into under its former name shall remain outstanding without change and with the validity thereof unimpaired and unaffected by such change of name, and a change of name heretofore made by any existing irrigation district in this state, substantially in the manner above provided is hereby ratified, confirmed and validated.

Passed the Senate March 7, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 142.

[House Bill No. 383.]

COUNTY REVENUE BOND ACT.

AN ACT relating to counties; authorizing the issuance of revenue bonds; prescribing purposes for which bonds may be issued and sold; prescribing the terms, forms, terms of sale and payment; and adding new sections to chapter 4, Laws of 1963 and to chapter 36.67 RCW.

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

New section.

SECTION 1. There is added to chapter 4, Laws of 1963 and chapter 36.67 RCW a new section to read as follows:

The board of county commissioners of any county is hereby authorized for the purpose of carrying out the lawful powers granted to the counties by the laws of the state to contract indebtedness and to issue revenue bonds evidencing such indebtedness in conformity with this chapter.

Counties—
Revenue
bonds. Au-
thorized.

SEC. 2. There is added to chapter 4, Laws of 1963 and to chapter 36.67 RCW a new section to read as follows:

New section.

All such revenue bonds authorized under the terms of this chapter may be issued and sold by the counties from time to time and in such amounts as is deemed necessary by the board of county commissioners of each county to provide sufficient funds for the carrying out of all county powers, without limiting the generality thereof, including the following: Acquisition; construction; reconstruction; maintenance; repair; additions; operations of parks and recreations; flood control facilities; pollution facilities; and any other county purpose from which revenues can be derived. Included in the costs thereof shall be any necessary engineering, inspection, accounting, fiscal, and legal expenses, the cost of issuance of bonds, including printing, engraving and advertising and other similar expenses, and the proceeds of such bond issue are hereby made available for all such purposes.

Purposes enu-
merated for
bond financing
—Items allow-
able as costs.

SEC. 3. There is added to chapter 4, Laws of 1963 and to chapter 36.67 RCW a new section to read as follows:

New section.

When revenue bonds are issued for authorized purposes, said bonds shall be either registered as to principal only or shall be bearer bonds; shall be in such denominations, shall be numbered, shall bear such date, shall be payable at such time or times up to a maximum period of not to exceed thirty years and payable at the office of the county treasurer, and

Bonds—Form
—Maturity—
Interest—Sig-
natures.

Counties—
Revenue
bonds. Interest
—Signatures.

such other places as determined by the county commissioners of the county; shall bear interest payable semiannually and evidence to maturity by coupons attached to said bonds bearing a coupon interest rate not to exceed six percent per annum; shall be executed by the chairman of the board of county commissioners, and attested by the clerk of the board, and the seal of such board shall be affixed to each bond, but not to the coupon; and may have facsimile signatures of the chairman and the clerk imprinted on the interest coupons in lieu of original signatures.

New section.

SEC. 4. There is added to chapter 4, Laws of 1963 and to chapter 36.67 RCW a new section to read as follows:

Funds to pay
bonds—Bonds
as negotiable
instruments—
Holder's suit
to compel
county compli-
ance with res-
olution.

Bonds issued under the provisions of this chapter shall be payable solely out of the operating revenues of the county. Such bonds shall be authorized by resolution adopted by the board of county commissioners, which resolution shall create a special fund or funds into which the board of county commissioners may obligate and bind the county to set aside and pay any part or parts of, or all of, or a fixed proportion of, or fixed amounts of gross revenue received by the county from moneys for services or activities as stated in the resolution, for the purpose of paying the principal of and interest on such bonds as the same shall become due, and if deemed necessary to maintain adequate reserves therefor. Such fund or funds shall be drawn upon solely for the purpose of paying the principal and interest upon the bonds issued pursuant to this chapter.

The bonds shall be negotiable instruments within the provision and intent of the negotiable instruments law of this state, even though they shall be payable solely from such special fund or funds, and the tax revenue of the county may not be used to pay, secure, or guarantee the payment of the principal of

and interest on such bonds. The bonds and the coupons attached thereto shall state upon their face that they are payable solely from such special fund or funds. If the county fails to set aside and pay into such fund or funds, the payments provided for in such resolution, the holder of any such bonds may bring suit to compel compliance with the provisions of the resolution.

SEC. 5. There is added to chapter 4, Laws of 1963 and to chapter 36.67 RCW a new section to read as follows: New section.

The board of county commissioners may provide covenants as it may deem necessary to secure the payment of the principal of and interest on such bonds and may, but shall not be required to, include covenants to create a reserve fund or account and to authorize the payment or deposit of certain moneys therein for the purpose of securing the payment of such principal and interest; to establish, maintain, and collect rates, charges, fees, rentals, and the like on the facilities and service the income of which is pledged for the payment of such bonds, sufficient to pay or secure the payment of such principal and interest and to maintain an adequate coverage over annual debt service; and to make any and all other covenants not inconsistent with the provisions of this chapter which will increase the marketability of such bonds. The board may also provide that revenue bonds payable out of the same source or sources may later be sold on a parity with any revenue bonds being issued and sold. The provisions of this chapter and any resolution or resolutions providing for the authorization, issuance, and sale of such bonds shall constitute a contract with the holder of such bonds, and the provisions thereof shall be enforceable by any owner or holder of such bonds by mandamus or any appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction.

Covenants to secure payment of bonds—Chapter, resolutions as contract with bondholder—Suit to enforce.

New section.

SEC. 6. There is added to chapter 4, Laws of 1963 and to chapter 36.67 RCW a new section to read as follows:

Counties—
Funding or re-
funding rev-
enue bonds.
Authorized—
As negotiable
instruments,
etc.

The board of county commissioners of any county may by resolution, from time to time, provide for the issuance of funding or refunding revenue bonds to fund or refund any outstanding revenue bonds, and any premiums due thereon, and matured coupons evidencing interest upon any such bonds at or before the maturity of such bonds, and parts or all of various series and issues of outstanding revenue bonds and matured coupons in the amount thereof to be funded or refunded.

The board shall create a special fund for the sole purpose of paying the principal of and interest on such funding or refunding revenue bonds, into which fund the commission shall obligate and bind the county to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the revenue of the facility of the county sufficient to pay such principal and interest as the same shall become due, and if deemed necessary to maintain adequate reserves therefor.

Such funding or refunding bonds shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state, and the tax revenue of the county may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds. The net interest cost to maturity on such funding or refunding bonds shall not exceed six percent per annum and the amount of any premium to be paid to effect the redemption of outstanding revenue bonds shall not be considered in determining such net interest cost.

The county may exchange such funding or refunding bonds for the bonds, and coupons being funded or refunded, or it may sell such funding or refunding bonds in the manner and at such price as

the board shall deem to be for the best interest of the county and its inhabitants, either at public or private sale.

The provisions of this chapter relating to the terms, conditions, covenants, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

SEC. 7. There is added to chapter 4, Laws of 1963 and to chapter 36.67 RCW a new section to read as follows: New section.

This chapter shall be complete authority for the issuance of the revenue bonds hereby authorized, and shall be liberally construed to accomplish its purposes. Any restrictions, limitations or regulations relative to the issuance of such revenue bonds contained in any other act shall not apply to the bonds issued under this chapter. Any act inconsistent herewith shall be deemed modified to conform with the provisions of this chapter for the purpose of this chapter only. Construction—
Chapter as
complete au-
thority.

SEC. 8. There is added to chapter 4, Laws of 1963 and to chapter 36.67 RCW a new section to read as follows: New section.

As used in this act "this chapter" means sections 1 through 7 of this 1965 act. "Chapter" de-
fined.

Passed the House March 4, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 143.

[House Bill No. 154.]

SCHOOL DISTRICTS—EMPLOYEE ORGANIZATIONS.

AN ACT relating to education; recognizing the right of employee organizations to represent certificated employees in their relations with school districts.

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

School district and certificated employee relationships. Purpose.

SECTION 1. It is the purpose of this act to strengthen methods of administering employer-employee relations through the establishment of orderly methods of communication between certificated employees and the school districts by which they are employed.

Definitions.

SEC. 2. As used in this act:

“Employee organization” means any organization which includes as members certificated employees of a school district and which has as one of its purposes the representation of the employees in their employment relations with the school district.

“Certificated employee” means any employee holding a regular teaching certificate of the state and who is employed by any school district with the exception of the chief administrative officer of each local district.

Rights of employee organization representatives to negotiate on district matters.

SEC. 3. Representatives of an employee organization, which organization shall by secret ballot have won a majority in an election to represent the certificated employees within its school district, shall have the right, after using established administrative channels, to meet, confer and negotiate with the board of directors of the school district or a committee thereof to communicate the considered professional judgment of the certificated staff prior to the final adoption by the board of proposed school policies relating to, but not limited to, curriculum, textbook selection,

in-service training, student teaching programs, personnel, hiring and assignment practices, leaves of absence, salaries and salary schedules and noninstructional duties.

SEC. 4. If in any school district there is a separate employee organization of certificated employees of a community college, which organization shall, by secret ballot, have won a majority in an election to represent the certificated employees of the community college, the representatives of the separate aggregation shall have the right, after using established administrative channels, to meet, confer, and negotiate with the board of directors of the school district or a committee thereof to communicate the considered professional judgment of the certificated staff prior to the final adoption by the board of proposed school policies related to, but not limited to, curriculum, textbook selection, in-service training, student teaching programs, personnel, hiring and assignment practices, leaves of absence, salaries and salary schedules, and noninstructional duties.

Rights of employee organization representatives to negotiate on community college matters.

SEC. 5. Nothing in this act shall prohibit any certificated employee from appearing in his own behalf on matters relating to his employment relations with the school district.

Employee may appear on own behalf.

SEC. 6. In the event that any matter being jointly considered by the employee organization and the board of directors of the school district is not settled by the means provided in this act, either party may request the assistance and advice of a committee composed of educators and school directors appointed by the state superintendent of public instruction. This committee shall make a written report with recommendations to both parties within fifteen days of receipt of the request for assistance. Any recommendations of the committee shall be advisory only and not

Committee arbitration—Report.

School district and certificated employee relationships.

binding upon the board of directors or the employee organization.

Discrimination prohibited.

SEC. 7. Boards of directors of school districts or any administrative officer thereof shall not discriminate against certificated employees because of their exercise of rights under this act.

Rules and regulations.

SEC. 8. Boards of directors of school districts shall adopt reasonable rules and regulations for the administration of employer-employee relations under this act.

Savings.

SEC. 9. Nothing in this law shall be construed to annul or modify, or to preclude the renewal or continuation of, any lawful agreement heretofore entered into between any school districts and any representative of its employees.

Passed the House March 11, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 144.

[House Bill No. 526.]

UNDERGROUND WORKERS—SAFETY PROVISIONS.

AN ACT relating to health and safety for underground workers; providing requirements for underground labor; and amending section 1, chapter 194, Laws of 1941 and RCW 49.24.080.

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

SECTION 1. Section 1, chapter 194, Laws of 1941 and RCW 49.24.080, are each amended to read as follows:

RCW 49.24.080 amended.

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:

Health and safety. Requirements for underground workers.

(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

Health and
safety. Re-
quirements for
underground
workers.

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 shall be compelled to perform labor until the air has been cleared of smoke, gas and fumes.

Passed the House March 8, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965, with the exception of a certain item in sub-section 5 of section 1 which was vetoed.

Veto message. **NOTE:** Governor's explanation of partial veto is as follows:

"Amendments to section 1 (5) achieve two results:

1. The deletion of certain language on page 1, lines 26 through 27 and page 2, line 1 and 2, appears to remove employees of a railroad who are constructing tunnels, caissons or subways from protection of certain safety standards set forth in RCW 49.24.080 through 49.24.380. Inasmuch as persons otherwise employed in such work are included within the protection of the safety standards, I believe it would be discriminatory to exclude railroad workers. It is my understanding that the proposed deletion was intended to remove a redundancy. I am not convinced that the language is redundant.
2. The deletion of the proviso on page 2, lines 2 through 5, completely removes the protection of certain safety standards for those working in a railroad tunnel. The regulations of the Department of Labor and Industries also provide protection to these workers, but I think it unwise to remove the protection from the statute.

I have therefore vetoed the deletion of the language in section 1 (5), thus restoring the original language."

DANIEL J. EVANS,
Governor.

CHAPTER 145.

[Senate Bill No. 6.]

PROBATE CODE.

AN ACT establishing a code of probate law and procedure, including the making and probating of wills, administration of estates of deceased persons and appointment of guardians of the persons and estates of minors, insane and mentally incompetent persons and administration of their estates; enacting a title of the Revised Code of Washington to be known as Title 11—Probate Law and Procedure; providing penalties; repealing certain acts and parts of acts; and declaring an effective date.

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

Title 11

Probate Law and Procedure

Chapter 11.02

GENERAL PROVISIONS

SECTION 11.02.005 *Definitions and Use of Terms.*

When used in this title, unless otherwise required from the context:

Probate law and procedure. Definitions and use of terms.

(1) "Personal representative" includes executor, administrator, special administrator, and guardian.

(2) "Net estate" refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the estate.

(3) "Representation" refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to the intestate, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum

Probate law
and procedure.
Definitions and
use of terms.

of the number of persons who survive the intestate who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the intestate, but who left issue surviving the intestate; each share of a deceased person in the nearest degree shall be divided among those of his issue who survive the intestate and have no ancestor then living who is in the line of relationship between them and the intestate, those more remote in degree taking together the share which their ancestor would have taken had he survived the intestate. Posthumous children are considered as living at the death of their parent.

(4) "Issue" includes all the lawful lineal descendants of the ancestor, all lawfully adopted children, and illegitimates as specified in RCW 11.04.081.

(5) "Degree of kinship" shall mean the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts.

(6) "Heirs" denotes those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on his death intestate.

(7) "Real estate" includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all interest therein possessed and claimed in fee simple, or for the life of a third person.

(8) "Wills" includes all codicils.

(9) "Codicil" shall mean an instrument executed in the manner provided by this title for wills, which refers to an existing will for the purpose of altering or changing the same, and which need not be attached thereto.

(10) "Guardian" means a personal representative of the estate of an incompetent person as defined in RCW 11.88.010 and the term may be used in lieu of "personal representative" wherever required by context.

(11) "Administrator" means a personal representative of the estate of a decedent and the term may be used in lieu of "personal representative" wherever required by context.

(12) "Executor" means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of "personal representative" wherever required by context.

(13) "Special administrator" means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of "personal representative" wherever required by context.

(14) Words that import the singular number only, may also be applied to the plural of persons and things.

(15) Words importing the masculine gender only may be extended to females also.

SEC. 11.02.010 *Jurisdiction in Probate Matters—Powers of Courts.* The superior courts in the exercise of their jurisdiction of matters of probate shall have power to probate or refuse to probate wills, appoint personal representatives of deceased or incompetent persons and administer and settle all such estates, award processes and cause to come before them all persons whom they may deem it necessary to examine, and order and cause to be issued all such writs as may be proper or necessary, and do all things proper or incident to the exercise of such jurisdiction.

Jurisdiction
—Powers of
courts.

SEC. 11.02.020 *Powers of Courts When Law Inapplicable, Insufficient, or Doubtful.* It is the intention

—When law
inapplicable,
etc.

Probate law and procedure. Powers of court—When law inapplicable, etc.

of this title that the courts mentioned shall have full and ample power and authority to administer and settle all estates of decedents and incompetent persons in this title mentioned. If the provisions of this title with reference to the administration and settlement of such estates should in any cases and under any circumstances be inapplicable or insufficient or doubtful, the court shall nevertheless have full power and authority to proceed with such administration and settlement in any manner and way which to the court seems right and proper, all to the end that such estates may be by the court administered upon and settled.

Exercise of powers—Orders, writs, etc.

SEC. 11.02.030 *Exercise of Powers—Orders, Writs, Process, Etc.* In exercising any of the jurisdiction or powers by this title given or intended to be given, the court is authorized to make, issue and cause to be filed or served, any and all manner and kinds of orders, judgments, citations, notices, summons, and other writs and processes not inconsistent with the provisions of this title, which may be considered proper or necessary in the exercise of such jurisdiction.

Power of clerk to fix dates of hearings.

SEC. 11.02.060 *Power of Clerk to Fix Dates of Hearings.* The clerk of each of the superior courts is authorized to fix the time of hearing of all applications, petitions and reports in probate and guardianship proceedings, except the time for hearings upon show cause orders and citations. The authority herein granted is in addition to the authority vested in the superior courts and superior court commissioners.

Chapter 11.04

DESCENT AND DISTRIBUTION

Descent and distribution.

SEC. 11.04.015 *Descent and Distribution of Real and Personal Estate.* The net estate of a person dying

intestate shall descend subject to the provisions of RCW 11.04.250 and be distributed as follows: Real and personal estate.

(1) Share of surviving spouse. The surviving spouse shall receive the following share:

(a) *If the intestate is survived by issue or by either parent, three-fourths of the net community estate; and*

(b) One-half of the net separate estate if the intestate is survived by issue; or

(c) Three-quarters of the net separate estate if there is no surviving issue, but the intestate is survived by one or more of his parents, or by one or more of the issue of one or more of his parents; or

(d) All of the net separate estate, if there is no surviving issue nor parent nor issue of parent.

(2) Shares of others than surviving spouse. The share of the net estate not distributable to the surviving spouse, or the entire net estate if there is no surviving spouse, shall descend and be distributed as follows:

(a) To the issue of the intestate; if they are all in the same degree of kinship to the intestate, they shall take equally, or if of unequal degree, then those of more remote degrees shall take by representation.

(b) If the intestate not be survived by issue, then to the parent or parents who survive the intestate.

(c) If the intestate not be survived by issue nor by either parent, then to those issue of the parent or parents who survive the intestate; if they are all in the same degree of kinship to the intestate, they shall take equally, or, if of unequal degree, then those of more remote degree shall take by representation.

(d) If the intestate not be survived by issue nor by either parent, nor by any issue of the parent or parents who survive the intestate, then to the grandparent or grandparents who survive the intestate, the maternal grandparent or grandparents sharing

Probate law
and procedure.
Descent and
distribution of
real and per-
sonal estate.

equally with the paternal grandparent or grandpar-
ents.

(e) If the intestate not be survived by issue nor
by either parent, nor by any issue of the parent or
parents who survive the intestate, nor by any grand-
parent or grandparents who survive the intestate,
then to the issue of any grandparent or grandparents
who survive the intestate, the issue of any maternal
grandparent or grandparents sharing equally with
the issue of the paternal grandparent or grandpar-
ents.

Kindred of the
half blood.

SEC. 11.04.035 *Kindred of the Half Blood.* Kin-
dred of the half blood shall inherit the same share
which they would have inherited if they had been of
the whole blood.

Advancements.

SEC. 11.04.041 *Advancements.* If a person dies
intestate as to all his estate, property which he gave
in his lifetime as an advancement to any person who,
if the intestate had died at the time of making the
advancement, would be entitled to inherit a part of
his estate, shall be counted toward the advancee's
intestate share, and to the extent that it does not ex-
ceed such intestate share shall be taken into account
in computing the estate to be distributed. Every
gratuitous inter vivos transfer is deemed to be an
absolute gift and not an advancement unless shown
to be an advancement. The advancement shall be
considered as of its value at the time when the ad-
vancee came into possession or enjoyment or at the
time of the death of the intestate, whichever first oc-
curs. If the advancee dies before the intestate, leav-
ing a lineal heir who takes from the intestate, the ad-
vancement shall be taken into account in the same
manner as if it had been made directly to such heir.
If such heir is entitled to a lesser share in the estate
than the advancee would have been entitled had he
survived the intestate, then the heir shall only be

charged with such proportion of the advancement as the amount he would have inherited, had there been no advancement, bears to the amount which the advancee would have inherited, had there been no advancement.

SEC. 11.04.060 *Tenancy in Dower and By Curtesy Abolished.* The provisions of RCW 11.04.015, as to the inheritance of the husband and wife from each other take the place of tenancy in dower and tenancy by curtesy, which are hereby abolished.

Tenancy in dower and by curtesy abolished.

SEC. 11.04.071 *Survivorship as Incident of Tenancy by the Entireties Abolished.* The right of survivorship as an incident of tenancy by the entireties is abolished.

Survivorship as incident, etc., abolished.

SEC. 11.04.081 *Inheritance By and From Illegitimate Child.* For the purpose of inheritance to, through and from an illegitimate child, such child shall be treated the same as if he were the legitimate child of his mother, so that he and his issue shall inherit from his mother and from his maternal kindred, in all degrees, and they may inherit from him. Such child shall also be treated the same as if he were a legitimate child of his mother for the purpose of determining homestead rights, the distribution of exempt property and the making of family allowances. When the parents of an illegitimate child shall marry subsequent to his birth, or the father shall acknowledge said child in writing, such child shall be deemed to have been made the legitimate child of both of the parents for purposes of intestate succession.

Inheritance by and from illegitimate child.

SEC. 11.04.085 *Inheritance by Adopted Child.* A lawfully adopted child shall not be considered an "heir" of his natural parents for purposes of this title.

Inheritance by adopted child.

SEC. 11.04.095 *Inheritance From Stepparent Avoids Escheat.* If a person die leaving a surviving

Inheritance from stepparent avoids escheat.

Probate law and procedure. Inheritance from step-parent avoids escheat.

spouse and issue by a former spouse and leaving a will whereby all or substantially all of the deceased's property passes to the surviving spouse or having before death conveyed all or substantially all his or her property to the surviving spouse, and afterwards the latter dies without heirs and without disposing of his or her property by will so that except for this section the same would all escheat, the issue of the spouse first deceased who survive the spouse last deceased shall take and inherit from the spouse last deceased the property so acquired by will or conveyance or the equivalent thereof in money or other property; if such issue are all in the same degree of kinship to the spouse first deceased they shall take equally, or, if of unequal degree, then those of more remote degree shall take by representation with respect to such spouse first deceased.

U. S. savings bond—Effect of death of co-owner.

SEC. 11.04.230 *U. S. Savings Bond—Effect of Death of Co-owner.* If either co-owner of United States savings bonds registered in two names as co-owners (in the alternative) dies without having presented and surrendered the bond for payment to a federal reserve bank or the treasury department, the surviving co-owner will be the sole and absolute owner of the bond.

U. S. savings bond—Effect of beneficiary's survival of registered owner.

SEC. 11.04.240 *U. S. Savings Bond—Effect of Beneficiary's Survival of Registered Owner.* If the registered owner of United States savings bonds registered in the name of one person payable on death to another dies without having presented and surrendered the bond for payment or authorized reissue to a federal reserve bank or the treasury department, and is survived by the beneficiary, the beneficiary will be the sole and absolute owner of the bond.

When real estate vests—Rights of heirs.

SEC. 11.04.250 *When Real Estate Vests—Rights of Heirs.* When a person dies seized of lands, tenements or hereditaments, or any right thereto or entitled to

any interest therein in fee or for the life of another, his title shall vest immediately in his heirs or devisees, subject to his debts, family allowance, expenses of administration and any other charges for which such real estate is liable under existing laws. No administration of the estate of such decedent, and no decree of distribution or other finding or order of any court shall be necessary in any case to vest such title in the heirs or devisees, but the same shall vest in the heirs or devisees instantly upon the death of such decedent: *Provided*, That no person shall be deemed a devisee until the will has been probated. The title and right to possession of such lands, tenements, or hereditaments so vested in such heirs or devisees, together with the rents, issues and profits thereof, shall be good and valid against all persons claiming adversely to the claims of any such heirs, or devisees, excepting only the personal representative when appointed, and persons lawfully claiming under such personal representative; and any one or more of such heirs or devisees, or their grantees, jointly or severally, may sue for and recover their respective shares or interests in any such lands, tenements, or hereditaments and the rents, issues and profits thereof, whether letters testamentary or of administration be granted or not, from any person except the personal representative and those lawfully claiming under such personal representative.

SEC. 11.04.270 *Limitation of Liability for Debts.* The estate of a deceased person shall not be liable for his debts unless letters testamentary or of administration be granted within six years from the date of the death of such decedent: *Provided, however*, That this section shall not affect liens upon specific property, existing at the date of the death of such decedent.

**Limitation of
liability for
debts.**

Probate law
and procedure.
Vesting of title.

SEC. 11.04.290 *Vesting of Title.* RCW 11.04.250 through 11.04.290 shall apply to community real property and also to separate estate; and upon the death of either husband or wife, title of all community real property shall vest immediately in the person or persons to whom the same shall go, pass, descend or be devised, as provided in RCW 11.04.015, subject to all the charges mentioned in RCW 11.04-.250.

Chapter 11.05

UNIFORM SIMULTANEOUS DEATH ACT

Devolution of
property in
case of simulta-
neous death.

SEC. 11.05.010 *Devolution of Property in Case of Simultaneous Death of Owners.* Where the title to property or the devolution thereof depends upon priority of death and there is no sufficient evidence that the persons have died otherwise than simultaneously, the property of each person shall be disposed of as if he had survived, except as provided otherwise in this chapter.

Procedure
when
beneficiaries
die simulta-
neously.

SEC. 11.05.020 *Procedure When Beneficiaries Die Simultaneously.* Where two or more beneficiaries are designated to take successively or alternately by reason of survivorship under another person's disposition of property and there is no sufficient evidence that these beneficiaries have died otherwise than simultaneously the property thus disposed of shall be divided into as many equal portions as there are successive or alternate beneficiaries and the portion allocated to each beneficiary shall be distributed as if he had survived all the other beneficiaries.

Joint tenants
-Simulta-
neous death.

SEC. 11.05.030 *Joint Tenants — Simultaneous Death.* Where there is no sufficient evidence that two joint tenants have died otherwise than simultaneously, the property so held shall be distributed one-half as if one had survived, and one-half as if the other had survived. If there are more than two joint

tenants and all of them have so died, the property thus distributed shall be in the proportion that one bears to the whole number of joint tenants.

SEC. 11.05.040 *Distribution of Insurance Policy When Insured and Beneficiary Die Simultaneously.* Where the insured and the beneficiary in a policy of life or accident insurance have died and there is no sufficient evidence that they have died otherwise than simultaneously the proceeds of the policy shall be distributed as if the insured had survived the beneficiary.

Distribution of insurance policy when insured and beneficiary die simultaneously.

SEC. 11.05.050 *Scope of Chapter Limited.* This chapter shall not apply in the case of wills, living trusts, deeds, or contracts of insurance wherein provision has been made for distribution of property different from the provisions of this chapter.

Scope of chapter limited.

SEC. 11.05.900 *Application of Chapter to Prior Deaths.* This chapter shall not apply to the distribution of the property of a person who has died before it takes effect.

Application of chapter to prior deaths.

SEC. 11.05.910 *Construction of Chapter.* This chapter shall be so construed and interpreted as to effectuate its general purpose to make uniform the law in those states which enact it.

Construction of chapter.

Chapter 11.08

ESCHEATS PROPERTY OF DECEASED INMATES OF STATE INSTITUTIONS

SEC. 11.08.101 *Property of Deceased Inmates of State Institutions — Disposition After Two Years.* Where, upon the expiration of two years after the death of any inmate of any state institution, there remains in the custody of the superintendent of such institution, money or property belonging to said deceased inmate, the superintendent shall forward

Property of deceased inmates of state institutions—Disposition after two years.

such money to the state treasurer for deposit in the general fund of the state, and shall report such transfer and any remaining property to the department of institutions, which department shall cause the sale of such property and proceeds thereof shall be forwarded to the state treasurer for deposit in the general fund.

Probate law
and procedure.
Property of
deceased
inmates of
state
institutions—
Disposition
within two
years.

SEC. 11.08.111 ————*Disposition Within Two Years.* Prior to the expiration of the above two-year period, 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 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 dollars; or

(4) To the department of institutions, when there are moneys due and owing from such deceased person's estate for the cost of his care and maintenance at such 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 dollars from said deceased inmate's funds on said obligation.

SEC. 11.08.120 —————*Sale—Disposition of Proceeds.* The property, other than money, of such deceased inmate remaining in the custody of a superintendent of a state institution after the expiration of the above two-year period may be forwarded to the department of institutions at its request and may be appraised and sold at public auction to the highest bidder in the manner and form as provided for public sales of personal property, and all moneys realized upon such sale, after deducting the expenses thereof, shall be paid into the general fund of the state treasury.

—Sale—
Disposition of
proceeds.

SEC. 11.08.140 *Escheat for Want of Heirs.* Whenever any person dies, whether a resident of this state or not, leaving property subject to the jurisdiction of this state and without being survived by any person entitled to the same under the laws of this state, such property shall be designated escheat property and shall be subject to the provisions of RCW 11.08.140 through 11.08.280.

Escheat for
want of heirs.

SEC. 11.08.150 *Title to Property Vests in State at Death of Owner.* Title to escheat property, which shall include any intangible personalty, shall vest in the state at the death of the owner thereof.

Title vests in
state at death.

SEC. 11.08.160 *Jurisdiction, Duties, of Tax Commission.* The tax commission of this state shall have supervision of and jurisdiction over escheat property and may institute and prosecute any proceedings deemed necessary or proper in the handling of such property, and it shall be the duty of the tax commission to protect and conserve escheat property for the benefit of the permanent common school fund of the state until such property or the proceeds thereof have been forwarded to the state treasurer or the state land commissioner as hereinafter provided.

Jurisdiction,
duties, of tax
commission.

SEC. 11.08.170 *Probate of Escheat Property—Notice to Tax Commission.* Escheat property may be

Probate of
escheat
property.

Probate law and procedure. Probate of escheat property—Notice to tax commission.

probated under the provisions of the probate laws of this state. Whenever such probate proceedings are instituted, whether by special administration or otherwise, the petitioner shall promptly notify the tax commission in writing thereof on forms furnished by the tax commission to the county clerks. Thereafter, the tax commission shall be served with written notice at least twenty days prior to any hearing on proceedings involving the valuation or sale of property, on any petition for the allowance of fees, and on all interim reports, final accounts or petitions for the determination of heirship. Like notice shall be given of the presentation of any claims to the court for allowance. Failure to furnish such notice shall be deemed jurisdictional and any order of the court entered without such notice shall be void: *Provided*, That the tax commission may waive the provisions of this section in its discretion.

Tax commission furnished documents and pleadings.

SEC. 11.08.180 *Tax Commission to Be Furnished Copies of Documents and Pleadings.* The tax commission may demand copies of any papers, documents or pleadings involving the escheat property or the probate thereof deemed by it to be necessary for the enforcement of RCW 11.08.140 through 11.08.280 and it shall be the duty of the administrator or his attorney to furnish such copies to the commission.

Liability for use of escheated property.

SEC. 11.08.200 *Liability for Use of Escheated Property.* If any person shall take possession of escheat property without proper authorization to do so, and shall have the use thereof for a period exceeding sixty days, he shall be liable to the state for the reasonable value of such use, payment of which may be enforced by the tax commission or by the administrator of the estate.

Allowance of claims, etc.

SEC. 11.08.210 *Allowance of Claims, Etc.—Sale of Property—Decree of Distribution.* If at the expira-

tion of four months from the date of the first publication of notice to creditors no heirs have appeared and established their claim to the estate, the court may enter an interim order allowing claims, expenses and partial fees. If at the expiration of sixteen months from the date of issuance of letters testamentary or of administration no heirs have appeared and established their claim to the estate, all personal property not in the form of cash shall be sold under order of the court. Personal property found by the court to be worthless shall be ordered abandoned. Real property shall not be sold for the satisfaction of liens thereon, or for the payment of the debts of decedent or expenses of administration until the proceeds of the personal property are first exhausted. The court shall then enter a decree allowing any additional fees and charges deemed proper and distributing the balance of the cash on hand, together with any real property, to the state. Remittance of cash on hand shall be made to the tax commission which shall make proper records thereof and forthwith forward such funds to the state treasurer for deposit in the permanent common school fund of the state.

Sale of property—
Decree of distribution.

SEC. 11.08.220 *Certified Copies of Decree—Duties of Commissioner of Public Lands.* The tax commission shall be furnished two certified copies of the decree of the court distributing any real property to the state, one of which shall be forwarded to the state land commissioner who shall thereupon assume supervision of and jurisdiction over such real property and thereafter handle it the same as state common school lands. The administrator shall also file a certified copy of the decree with the auditor of any county in which the escheated real property is situated.

Certified copies of decree—
Duties of commissioner of public lands.

SEC. 11.08.230 *Appearance and Claim of Heirs—Notices to Tax Commission.* Upon the appearance of

Appearance and claim of heirs.

Probate law
and procedure.
Escheat for
want of heirs.
Claims—
Notices to tax
commission.

heirs and the establishment of their claim to the satisfaction of the court prior to entry of the decree of distribution to the estate, the provisions of RCW 11.08.140 through 11.08.280 shall not further apply, except for purposes of appeal: *Provided*, That the tax commission shall be promptly given written notice of such appearance by the claimants and furnished copies of all papers or documents on which such claim of heirship is based. Any documents in a foreign language shall be accompanied by translations made by a properly qualified translator, certified by him to be true and correct translations of the original documents. The administrator or his attorney shall also furnish the tax commission with any other available information bearing on the validity of the claim.

Limitation on
filing claim.

SEC. 11.08.240 *Limitation on Filing Claim.* Any claimant to escheated funds or real property shall have seven years from the date of issuance of letters testamentary or of administration within which to file his claim. Such claim shall be filed with the court having original jurisdiction of the estate, and a copy thereof served upon the tax commission, together with twenty days notice of the hearing thereon.

Order of court
on establish-
ment of claim.

SEC. 11.08.250 *Order of Court on Establishment of Claim.* Upon establishment of the claim to the satisfaction of the court, it shall order payment to the claimant of any escheated funds and delivery of any escheated land, or the proceeds thereof, if sold.

Payment of
escheated
funds to
claimant.

SEC. 11.08.260 *Payment of Escheated Funds to Claimant.* In the event the order of the court requires the payment of escheated funds or the proceeds of the sale of escheated real property, a certified copy of such order shall be served upon the tax commission which shall thereupon take any steps necessary

to effect payment to the claimant out of the general fund of the state.

SEC. 11.08.270 *Conveyance of Escheated Property to Claimant.* In the event the order of the court requires the delivery of real property to the claimant, a certified copy of such order shall be served upon the state land commissioner who shall thereupon make proper certification to the office of the governor for issuance of a quit claim deed for the property to the claimant.

Conveyance of escheated property to claimant.

SEC. 11.08.280 *Limitation When Claimant Is Minor or Incompetent Not Under Guardianship.* The claims of any persons to escheated funds or real property which are not filed within seven years as specified above are forever barred, excepting as to those persons who are minors or who are legally incompetent and not under guardianship, in which event the claim may be filed within seven years after their disability is removed.

Limitation when claimant is minor or incompetent not under guardianship.

Chapter 11.12

WILLS

SEC. 11.12.010 *Who May Make a Will.* The following persons of sound mind may, by last will, devise all his or her estate, both real and personal:

Who may make wills.

(1) Any person who has attained the age of majority.

(2) Any person who has legally married, and has attained the age of eighteen years.

(3) Any person who has attained the age of eighteen years and is actively engaged with the armed forces of the United States or employed on a vessel of the United States merchant marine.

All wills executed subsequent to September 16, 1940, and which meet the requirements of this section are hereby validated and shall have all the force

and effect of wills executed subsequent to the taking effect of this section.

Probate law
and procedure.
Requisites of
wills. Foreign
wills.

SEC. 11.12.020 *Requisites of Wills. Foreign Wills.* Every will shall be in writing signed by the testator or by some other person under his direction in his presence, and shall be attested by two or more competent witnesses, subscribing their names to the will in the presence of the testator by his direction or request: *Provided*, That a last will and testament, executed without the state, in the mode prescribed by law, either of the place where executed or of the testator's domicile shall be deemed to be legally executed, and shall be of the same force and effect as if executed in the mode prescribed by the laws of this state.

—Nuncupa-
tive wills.

SEC. 11.12.025 ————*Nuncupative Wills.* Nothing contained in this chapter shall prevent any member of the armed forces of the United States or person employed on a vessel of the United States merchant marine from disposing of his wages or personal property, or prevent any person competent to make a will from disposing of his or her personal property of the value of not to exceed one thousand dollars, by nuncupative will if the same be proved by two witnesses who were present at the making thereof, and it be proven that the testator, at the time of pronouncing the same, did bid some person present to bear witness that such was his will, or to that effect, and that such nuncupative will was made at the time of the last sickness of the testator, but no proof of any nuncupative will shall be received unless it be offered within six months after the speaking of the testamentary words, nor unless the words or the substance thereof be first committed to writing, and in all cases a citation be issued to the widow and/or heirs at law of the deceased that they may

contest the will, and no real estate shall be devised by a nuncupative will.

SEC. 11.12.030 *Signature of Testator at His Direction—Signature by Mark.* Every person who shall sign the testator's or testatrix's name to any will by his or her direction shall subscribe his own name to such will and state that he subscribed the testator's name at his request: *Provided*, That such signing and statement shall not be required if the testator shall evidence the approval of the signature so made at his request by making his mark on the will.

Signature of testator—At his direction—By mark.

SEC. 11.12.040 *Revocation of Will, How Effected.* A will, or any part thereof, can be revoked

Revocation of will, how effected.

(1) By a written will; or

(2) By being burnt, torn, canceled, obliterated or destroyed, with the intent and for the purpose of revoking the same, by the testator himself or by another person in his presence and by his direction. If such act is done by any person other than the testator, the direction of the testator and the facts of such injury or destruction must be proved by two witnesses.

SEC. 11.12.050 *Subsequent Marriage of Testator—Divorce.* If, after making any will, the testator shall marry and the spouse shall be living at the time of the death of the testator, such will shall be deemed revoked as to such spouse, unless provision shall have been made for such survivor by marriage settlement, or unless such survivor be provided for in the will or in such way mentioned therein as to show an intention not to make such provision, and no other evidence to rebut the presumption of revocation shall be received. A divorce, subsequent to the making of a will, shall revoke the will as to the divorced spouse.

Subsequent marriage of testator—Divorce.

SEC. 11.12.060 *Agreement to Convey Does Not Revoke.* A bond, covenant, or agreement made for a

Agreement to convey does not revoke.

Probate law and procedure. Wills. Agreement to convey does not revoke.

valuable consideration by a testator to convey any property, devised or bequeathed in any last will previously made, shall not be deemed a revocation of such previous devise or bequest, but such property shall pass by the devise or bequest, subject to the same remedies on such bond, covenant, or agreement, for specific performance or otherwise, against devisees or legatees, as might be had by law against the heirs of the testator or his next of kin, if the same had descended to him.

Devise or bequeathal of property subject to encumbrance.

SEC. 11.12.070 *Devise or Bequeathal of Property Subject to Encumbrance.* When any real or personal property subject to a mortgage is specifically devised, the devisee shall take such property so devised subject to such mortgage unless the will provides that such mortgage be otherwise paid. The term "mortgage" as used in this section shall not include a pledge of personal property.

A charge or encumbrance upon any real or personal estate for the purpose of securing the payment of money, or the performance of any covenant or agreement, shall not be deemed a revocation of any will relating to the same estate, previously executed. The devises and legacies therein contained shall pass and take effect, subject to such charge or encumbrance.

No revival of will by revocation of later one.

SEC. 11.12.080 *No Revival of Will by Revocation of Later One.* If, after making any will, the testator shall duly make and execute a second will, the destruction, cancellation, or revocation of such second will shall not revive the first will.

Intestacy as to pretermitted children.

SEC. 11.12.090 *Intestacy as to Pretermitted Children.* If any person make his last will and die leaving a child or children or descendants of such child or children not named or provided for in such will, although born after the making of such will or the death of the testator, every such testator, as to such

child or children not named or provided for, shall be deemed to die intestate, and such child or children or their descendants shall be entitled to such proportion of the estate of the testator, real and personal, as if he had died intestate, and the same shall be assigned to them, and all the other heirs, devisees and legatees shall refund their proportional part.

SEC. 11.12.110 *Death of Devisee or Legatee Before Testator.* When any estate shall be devised or bequeathed to any child, grandchild, or other relative of the testator, and such devisee or legatee shall die before the testator, having lineal descendants who survive the testator, such descendants shall take the estate, real and personal, as such devisee or legatee would have done in the case he had survived the testator; if such descendants are all in the same degree of kinship to the predeceased devisee or legatee they shall take equally, or, if of unequal degree, then those of more remote degree shall take by representation with respect to such predeceased devisee or legatee. A spouse is not a relative under the provisions of this section.

Death of
devisee or
legatee before
testator.

SEC. 11.12.120 *Lapsed Legacy or Devise—Procedure and Proof.* Whenever any person having died leaving a will which has been admitted to probate, shall by said will have given, devised or bequeathed unto any person, a legacy or a devise upon the condition that said person survive him, and not otherwise, such legacy or devise shall lapse and fall into the residue of said estate to be distributed according to the residuary clause, if there be one, of said will, and if there be none then according to the laws of descent, unless said legatee or devisee, as the case may be, or his heirs, personal representative, or someone in behalf of such legatee or devisee, shall appear before the court which is administering said estate within six years from and after the date the

Lapsed legacy
or devise—
Procedure and
proof.

said will was admitted to probate, and prove to the satisfaction of the court that the said legatee or devisee, as the case may be, did in fact survive the testator.

Probate law and procedure. Wills. Procedure where legatee or devisee is an absentee.

SEC. 11.12.130 *Procedure Where Legatee or Devisee Is an Absentee.* If it shall be made to appear to the satisfaction of said court within the time fixed by RCW 11.12.120 that such legatee or devisee, as the case may be, did in fact survive the testator, but that such legatee, or devisee, is an absentee within the meaning of chapter 11.80, then and in that event the court shall by appropriate order direct the said legacy or devise to be distributed to a trustee appointed and qualified as provided for in said chapter 11.80.

Order of court declaring lapse.

SEC. 11.12.140 *Order of Court Declaring Lapse.* The personal representative, residuary legatee, or any heir at law of any such estate, may by sworn petition call the attention of the court to the fact that the periods of time set forth in RCW 11.12.120 have elapsed, and that such legatee or devisee, his heirs, personal representative, or anyone in his behalf, has not appeared and proved to the satisfaction of the court that such legatee or devisee survived the testator, and if it appear from the records of the proceedings in said estate that the allegations of the petition are true, it shall be the duty of the court to enter an appropriate order declaring such legacy or devise to have lapsed, and directing its disposition as provided for in RCW 11.12.120.

Petition and notice where legatee or devisee unknown.

SEC. 11.12.150 *Petition and Notice Where Legatee or Devisee Unknown.* Every personal representative of such an estate shall, within two years after the said will has been admitted to probate, file in said probate proceedings a sworn petition which shall set out in detail the name and last known address of any such legatee or devisee, the circumstances of his de-

parture from that address, if known; his occupation or business, if known; the fact that the personal representative has been unable to locate him or to ascertain whether or not he survived the testator; and all other facts within the knowledge of the personal representative, which may aid the court in determining the best and most advantageous method to employ in attempting to locate said legatee or devisee. Upon such a petition being filed it shall be the duty of the court, and the court shall have the power, to call before it the personal representative and such witnesses as may be necessary, and examine them under oath as to the truth of the allegations in said petition. After the hearing the court may direct such notice to be given as it shall think will most likely come to the attention of said legatee or devisee, or persons who might know him. Such notice shall be given for such a length of time and in such places as the court may order, and shall set forth the fact that a legacy or devise, as the case may be, awaits the person therein named, and shall call upon all persons having any knowledge concerning the said person or his whereabouts to notify the court of all the facts within their knowledge concerning said person, within a time therein stated.

SEC. 11.12.160 *Witness as Devisee or Legatee—Effect of, on Will.* All beneficial devises, legacies, and gifts whatever, made or given in any will to a subscribing witness thereto, shall be void unless there are two other competent witnesses to the same; but a mere charge on the estate of the testator for the payment of debts shall not prevent his creditors from being competent witnesses to his will. If such witness, to whom any beneficial devise, legacy or gift may have been made or given, would have been entitled to any share in the testator's estate in case the will is not established, then so much of the estate as would have descended or would have

Witness as
devisee or
legatee—Effect
of, on will.

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Wills.

been distributed to such witness shall be saved to him as will not exceed the value of the devise or bequest made to him in the will; and he may recover the same from the devisees or legatees named in the will in proportion to and out of the parts devised and bequeathed to him.

Devise of land,
what passes.

SEC. 11.12.170 *Devise of Land, What Passes.* Every devise of land in any will shall be construed to convey all the estate of the devisor therein which he could lawfully devise, unless it shall clearly appear by the will that he intended to convey a less estate.

Estates for life
—Remainders.

SEC. 11.12.180 *Estates for Life—Remainders.* If any person, by last will, devise any real estate to any person for the term of such person's life, such devise vests in the devisee an estate for life, and unless the remainder is specially devised, it shall revert to the heirs at law of the testator.

Will to operate
on after-
acquired
property.

SEC. 11.12.190 *Will to Operate on After-Acquired Property.* Any estate, right or interest in property acquired by the testator after the making of his will may pass thereby and in like manner as if title thereto was vested in him at the time of making the will, unless the contrary manifestly appears by the will to have been the intention of the testator.

Contribution
among de-
visees and
legatees.

SEC. 11.12.200 *Contribution Among Devisees and Legatees.* When any testator in his last will shall give any chattel or real estate to any person, and the same shall be taken in execution for the payment of the testator's debts, then all the other legatees, devisees and heirs shall refund their proportional part of such loss to such person from whom the bequest shall be taken.

Enforcement
of contribu-
tions.

SEC. 11.12.210 *Enforcement of Contribution.* When any devisees, legatees or heirs shall be required to refund any part of the estate received by them, for the purpose of making up the share, de-

visé or legacy of any other devisee, legatee or heir, the court, upon the petition of the person entitled to contribution or distribution of such estate, may order the same to be made and enforce such order.

SEC. 11.12.220 *No Interest on Devise Unless Will So Provides.* No interest shall be allowed or calculated on any devise contained in any will unless such will expressly provides for such interest.

No interest on devise unless will so provides.

SEC. 11.12.230 *Intent of Testator Controlling.* All courts and others concerned in the execution of last wills shall have due regard to the direction of the will, and the true intent and meaning of the testator, in all matters brought before them.

Intent of testator controlling.

SEC. 11.12.250 *Devises or Bequests to Trusts.* A devise or bequest may be made by a will to a trustee or trustees of a trust created by the testator and/or some other person or persons (including a funded or unfunded life insurance trust, although the trustor has reserved any or all rights of ownership of the insurance contracts) established by written instrument executed before or concurrently with the execution of such will. Such devise or bequest shall not be invalid because the trust is amendable or revocable, or both, or because the trust was amended after the execution of the will. Unless the will provides otherwise, the property so devised or bequeathed shall not be deemed to be held under a testamentary trust of the testator but shall become a part of the trust to which it is given to be administered and disposed of in accordance with the provisions of the instrument establishing such trust, including any amendments thereto, made prior to the death of the testator, regardless of whether made before or after the execution of the will. An entire revocation of the trust prior to the testator's death shall invalidate the devise or bequest.

Devises or bequests to trusts.

Chapter 11.16

JURISDICTION—VENUE—NOTICES

Probate law
and procedure.
Venue.

SEC. 11.16.050 *Venue*. Wills shall be proved and letters testamentary or of administration shall be granted:

(1) In the county of which deceased was a resident or had his place of abode at the time of his death.

(2) In the county in which he may have died, or in which any part of his estate may be, he not being a resident of the state.

(3) In the county in which any part of his estate may be, he having died out of the state, and not having been a resident thereof at the time of his death.

Property of
nonresident in
more than one
county—
Jurisdiction.

SEC. 11.16.060 *Property of Nonresident in More Than One County—Jurisdiction*. When the estate of the deceased is in more than one county, he not having been a resident of the state at the time of his death, the superior court of that county in which the application is first made for letters testamentary or of administration shall have exclusive jurisdiction of the settlement of the estate.

Proceedings
had in county
where letters
granted.

SEC. 11.16.070 *Proceedings Had in County Where Letters Granted*. All orders, settlements, trials and other proceedings, under this title shall be had or made in the county in which letters testamentary or of administration were granted.

Notice.

SEC. 11.16.081 *Notice*. (1) When notice to be given. No notice to interested persons need be given except as specifically provided for in this title or as ordered by the court in a particular case.

(2) Kinds of notice required. Unless waived and except as otherwise provided by law, all notices required by this title to be served upon any person shall be served either

(a) By delivering a copy of the same at least ten days before the hearing to such person personally; or

(b) By such publication as the court may direct;
or

(c) By registered or certified mail requesting a return receipt signed by addressee only, addressed to such person located in the United States at his address stated in the petition for the hearing, to be posted by depositing in any United States post office in this state at least fourteen days prior to the date set for hearing in said notice; or

(d) By any combination of two or more of the above.

(3) Service on attorney. If an attorney shall have entered his appearance in writing for any party in any probate proceeding or matter pending in the court, all notices required to be served on the party in such proceeding or matter shall be served on the attorney and such shall be in lieu of service upon the party for whom the attorney appears.

SEC. 11.16.082 *Proof of Service.* Proof of service in all cases requiring notice, whether by publication, mailing or otherwise, shall be filed in the cause. Proof of service.

SEC. 11.16.083 *Waiver of Notice.* Any person legally competent who is interested in any hearing in a probate proceeding may in person or by attorney waive in writing notice of such hearing. A guardian of the estate or a guardian ad litem may make such a waiver on behalf of his incompetent, and a trustee may make such a waiver on behalf of the beneficiary of his trust. A consul or other representative of a foreign government, whose appearance has been entered as provided by law on behalf of any person residing in a foreign country, may make such waiver of notice on behalf of such person. Any person who submits to the jurisdiction of the court in any hearing shall be deemed to have waived notice thereof. Waiver of notice.

Chapter 11.20

CUSTODY, PROOF AND PROBATE OF WILLS

Probate law and procedure. Wills, probate of. Duty of custodian of will—Liability.

SEC. 11.20.010 *Duty of Custodian of Will—Liability.* Any person having the custody or control of any will shall, within thirty days after he shall have received knowledge of the death of the testator, deliver said will to the court having jurisdiction or to the person named in the will as executor, and any executor having in his custody or control any will shall within forty days after he received knowledge of the death of the testator deliver the same to the court having jurisdiction. Any person who shall willfully violate any of the provisions of this section shall be liable to any party aggrieved for the damages which may be sustained by such violation.

Application for probate—Hearing—Order—Testimony of witnesses reduced to writing.

SEC. 11.20.020 *Application for Probate—Hearing—Order—Testimony of Witnesses Reduced to Writing.* Applications for the probate of a will and for letters testamentary, or either, may be made to the judge of the court having jurisdiction and the court may immediately hear the proofs and either probate or reject such will as the testimony may justify. Upon such hearing the court shall make and cause to be entered a formal order, either establishing and probating such will, or refusing to establish and probate the same, and such order shall be conclusive except in the event of a contest of such will as hereinafter provided. All testimony in support of the will shall be reduced to writing, signed by the witnesses, and certified by the judge of the court.

Commission to take testimony of witness.

SEC. 11.20.030 *Commission to Take Testimony of Witness.* If any witness be prevented by sickness from attending at the time any will is produced for probate, or reside out of the state or more than thirty miles from the place where the will is to be proven, such court may issue a commission annexed to such

will, and directed to any judge, justice of the peace, notary public, or other person authorized to administer an oath, empowering him to take and certify the attestation of such witness.

SEC. 11.20.040 *Proof Where One or More Witnesses Are Unable or Incompetent to Testify.* The subsequent incompetency from whatever cause of one or more of the subscribing witnesses or their inability to testify in open court or pursuant to commission, shall not prevent the probate of the will. In such cases the court shall admit the will to probate upon satisfactory testimony that the handwriting of the testator and of an incompetent or absent subscribing witness is genuine or the court may consider such other facts and circumstances, if any, as would tend to prove such will.

Proof where witnesses unable or incompetent to testify.

SEC. 11.20.050 *Filing and Recording of Wills.* All wills shall be recorded in the book kept for that purpose, within thirty days after probate, and the original wills shall be carefully filed with the clerk, but may be withdrawn on the order of the court.

Filing and recording of wills.

SEC. 11.20.060 *Record of Will as Evidence.* The record of any will made, probated and recorded as herein provided, and the exemplification of such record by the clerk in whose custody the same may be, shall be received as evidence, and shall be as effectual in all cases as the original would be if produced and proven.

Record of will as evidence.

SEC. 11.20.070 *Proof of Lost or Destroyed Will.* Whenever any will is lost or destroyed, the court may take proof of the execution and validity of such will and establish it, notice to all persons interested having been first given. Such proof shall be reduced to writing and signed by the witnesses and filed with the clerk of the court.

Proof of lost or destroyed will.

No will shall be allowed to be proved as a lost or

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destroyed will unless it is proved to have been in existence at the time of the death of the testator, or is shown to have been destroyed, canceled or mutilated in whole or in part as a result of actual or constructive fraud or in the course of an attempt to change the will in whole or in part, which attempt has failed, or as the result of a mistake of fact, nor unless its provisions are clearly and distinctly proved by at least two witnesses, and when any such will is so established, the provisions thereof shall be distinctly stated in the judgment establishing it, and such judgment shall be recorded as wills are required to be recorded. Executors of such will or administrators with the will annexed may be appointed by the court in the same manner as is herein provided with reference to original wills presented to the court for probate.

Restraint of
personal rep-
resentative
pending proof
of lost or de-
stroyed will.

SEC. 11.20.080 *Restraint of Personal Representative During Pendency of Application to Prove Lost or Destroyed Will.* If, before or during the pendency of an application to prove a lost or destroyed will, letters of administration shall have been granted on the estate of the testator, or letters testamentary of any previous will of the testator shall have been granted, the court shall have authority to restrain the personal representatives so appointed, from any acts or proceedings which would be injurious to the legatees or devisees claiming under the lost or destroyed will.

Admission to
probate of
foreign will.

SEC. 11.20.090 *Admission to Probate of Foreign Will.* Wills probated in any other state or territory of the United States, or in any foreign country or state, shall be admitted to probate in this state on the production of a copy of such will and of the original record of probate thereof, authenticated by the attestation of the clerk of the court in which such probate was made; or if there be no clerk, by the

attestation of the judge thereof, and by the seal of such officers, if they have a seal.

SEC. 11.20.100 *Laws Applicable to Foreign Wills.* All provisions of law relating to the carrying into effect of domestic wills after probate thereof shall, so far as applicable, apply to foreign wills admitted to probate in this state.

Laws applicable to foreign wills.

Chapter 11.24

WILL CONTESTS

SEC. 11.24.010 *Contest of Admission or Rejection—Limitation of Action—Issues.* If any person interested in any will shall appear within six months immediately following the probate or rejection thereof, and by petition to the court having jurisdiction contest the validity of said will, or appear to have the will proven which has been rejected, he shall file a petition containing his objections and exceptions to said will, or to the rejection thereof. Issue shall be made up, tried and determined in said court respecting the competency of the deceased to make a last will and testament, or respecting the execution by a deceased of such last will and testament under restraint or undue influence or fraudulent representations, or for any other cause affecting the validity of such will.

Wills—Contest of admission or rejection—Limitation of action—Issues.

If no person shall appear within the time aforesaid, the probate or rejection of such will shall be binding and final.

SEC. 11.24.020 *Citations on Contest.* Upon the filing of the petition referred to in RCW 11.24.010, a citation shall be issued to the executors who have taken upon themselves the execution of the will, or to the administrators with the will annexed, and to all legatees named in the will residing in the state, or to their guardians if any of them are minors, or their personal representatives if any of them are dead, requiring them to appear before the court, on a day

Citations on contest.

therein specified, to show cause why the petition should not be granted.

Probate law and procedure. Will contests. Burden of proof.

SEC. 11.24.030 *Burden of Proof.* In any such contest proceedings the previous order of the court probating, or refusing to probate, such will shall be prima facie evidence of the legality of such will, if probated, or its illegality, if rejected, and the burden of proving the illegality of such will, if probated, or the legality of such will, if rejected by the court, shall rest upon the person contesting such probate or rejection of the will.

Revocation of probate.

SEC. 11.24.040 *Revocation of Probate.* If, upon the trial of said issue, it shall be decided that the will is for any reason invalid, or that it is not sufficiently proved to have been the last will of the testator, the will and probate thereof shall be annulled and revoked, and thereupon and thereafter the powers of the executor or administrator with the will annexed shall cease, but such executor or administrator shall not be liable for any act done in good faith previous to such annulling or revoking.

Costs.

SEC. 11.24.050 *Costs.* If the probate be revoked or the will annulled, assessment of costs shall be in the discretion of the court. If the will be sustained, the court may assess the costs against the contestant, including, unless it appears that the contestant acted with probable cause and in good faith, such reasonable attorney's fees as the court may deem proper.

Chapter 11.28

LETTERS TESTAMENTARY AND OF ADMINISTRATION

Letters to executors—Refusal to serve—Disqualification.

SEC. 11.28.010 *Letters to Executors—Refusal to Serve—Disqualification.* After probate of any will, letters testamentary shall be granted to the persons therein appointed executors. If a part of the persons

thus appointed refuse to act, or be disqualified, the letters shall be granted to the other persons appointed therein. If all such persons refuse to act, letters of administration with the will annexed shall be granted to the person to whom administration would have been granted if there had been no will.

SEC. 11.28.020 *Objections to Appointment.* Any person interested in a will may file objections in writing to the granting of letters testamentary to the persons named as executors, or any of them, and the objection shall be heard and determined by the court.

Objections to appointment.

SEC. 11.28.030 *Community Property — Who Entitled to Letters—Waiver.* A surviving spouse shall be entitled to administer upon the community property, notwithstanding any provisions of the will to the contrary, if the court find such spouse to be otherwise qualified; but if such surviving spouse do not make application for such appointment within forty days immediately following the death of the deceased spouse, he or she shall be considered as having waived his or her right to administer upon such community property. If any person, other than the surviving spouse, make application for letters testamentary on such property, prior to the expiration of such forty days, then the court, before making any such appointment, shall require notice of such application to be given the said surviving spouse, for such time and in such manner as the court may determine, unless such applicant show to the satisfaction of the court that there is no surviving spouse or that he or she has in writing waived the right to administer upon such community property.

Community property—
Who entitled to letters—
Waivers.

SEC. 11.28.040 *Procedure During Minority or Absence of Executor.* If the executor be a minor or absent from the state, letters of administration with the will annexed shall be granted, during the time of such

Procedure during minority or absence of executor.

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tration.

minority or absence, to some other person unless there be another executor who shall accept the trust, in which case the estate shall be administered by such other executor until the disqualification shall be removed, when such minor, having arrived at full age, or such absentee, having returned, shall be admitted as joint executor with the former, provided a nonresident of this state may qualify as provided in RCW 11.36.010.

Powers of
remaining
executors on
removal of
associate.

SEC. 11.28.050 *Powers of Remaining Executors on Removal of Associate.* When any of the executors named shall not qualify or having qualified shall become disqualified or be removed, the remaining executor or executors shall have the authority to perform every act and discharge every trust required by the will, and their acts shall be effectual for every purpose.

Administra-
tion with will
annexed on
death of
executor.

SEC. 11.28.060 *Administration with Will Annexed on Death of Executor.* No executor of an executor shall, as such, be authorized to administer upon the estate of the first testator, but on the death of the sole or surviving executor of any last will, letters of administration with the will annexed, on the estate of the first testator left unadministered, shall be issued.

Authority of
administrator
with will
annexed.

SEC. 11.28.070 *Authority of Administrator with Will Annexed.* Administrators with the will annexed shall have the same authority as the executor named in the will would have had, and their acts shall be as effectual for every purpose: *Provided*, That they shall not lease, mortgage, pledge, exchange, sell or convey any real or personal property of the estate except under order of the court and pursuant to procedure under existing laws pertaining to the administration of estates in cases of intestacy, unless the powers expressed in the will are directory and not discretionary.

SEC. 11.28.090 *Execution and Form of Letters Testamentary.* Letters testamentary to be issued to executors under the provisions of this chapter shall be signed by the clerk, and issued under the seal of the court, and may be in the following form:

Execution and form of letters testamentary.

State of Washington, county of

In the superior court of the county of

Whereas, the last will of A B, deceased, was, on the.....day of....., A. D.,....., duly exhibited, proven, and recorded in our said superior court; and whereas, it appears in and by said will that C D is appointed executor thereon, and, whereas, said C D has duly qualified, now, therefore, know all men by these presents, that we do hereby authorize the said C D to execute said will according to law.

Witness my hand and the seal of said court thisday of, A. D. 19.....

SEC. 11.28.100 *Form of Letters with Will Annexed.* Letters of administration with the will annexed shall be in substantially the same form as provided for letters testamentary.

Form of letters with will annexed.

SEC. 11.28.110 *Application for Letters of Administration.* Application for letters of administration shall be made by petition in writing, signed and verified by the applicant or his attorney, and filed with the court, which petition shall set forth the facts essential to giving the court jurisdiction of the case, and state, if known, the names, ages and residences of the heirs of the deceased and that the deceased died without a will.

Application for letters of administration.

SEC. 11.28.120 *Persons Entitled to Letters.* Administration of the estate of the person dying intestate shall be granted to some one or more of the persons hereinafter mentioned, and they shall be respectively entitled in the following order:

Persons entitled to letters.

Probate law and procedure. Letters testamentary and of administration. Persons entitled to.

(1) The surviving husband or wife, or such person as he or she may request to have appointed.

(2) The next of kin in the following order: (a) child or children; (b) father or mother; (c) brothers or sisters; (d) grandchildren; (e) nephews or nieces.

(3) One or more of the principal creditors.

(4) If the persons so entitled shall fail for more than forty days after the death of the intestate to present a petition for letters of administration, or if it appear to the satisfaction of the court that there are no relatives or next of kin, as above specified eligible to appointment, or they waive their right, and there are no principal creditor or creditors, or such creditor or creditors waive their right, then the court may appoint any suitable person to administer such estate.

Hearing on petition.

SEC. 11.28.130 *Hearing on Petition.* When a petition for general letters of administration or for letters of administration with the will annexed shall be filed, the matter shall not be heard for at least ten days thereafter and the clerk shall have authority to fix the time of hearing: *Provided*, That if the petition be presented by or on behalf of the surviving spouse, the court may at once hear the matter, make appointment, and cause letters of administration to be issued: *Provided further*, That if there be a surviving spouse, and the petition be presented by anyone other than the surviving spouse prior to forty days after the death of the decedent, notice to the surviving spouse shall be given of the time and place of such hearing at least ten days before the hearing. The surviving spouse may waive notice of hearing in a writing filed in the cause.

Form of letters of administration.

SEC. 11.28.140 *Form of Letters of Administration.* Letters of administration shall be signed by the clerk, and be under the seal of the court, and may be substantially in the following form:

State of Washington, County of.....

Whereas, A.B., late of.....on or about theday ofA.D.,.....died intestate, leaving at the time of his death, property in this state subject to administration: Now, therefore, know all men by these presents, that we do hereby appoint.....administrator upon said estate, and whereas said administrator has duly qualified, hereby authorize him to administer the same according to law.

Witness my hand and the seal of said court thisday ofA.D., 19.....

SEC. 11.28.150 *Revocation of Letters by Discovery of Will.* If after letters of administration are granted a will of the deceased be found and probate thereof be granted, the letters shall be revoked and letters testamentary or of administration with the will annexed, shall be granted.

Revocation of letters by discovery of will.

SEC. 11.28.160 *Cancellation of Letters of Administration.* The court appointing any personal representative shall have authority for any cause deemed sufficient, to cancel and annul such letters and appoint other personal representatives in the place of those removed.

Cancellation of letters of administration.

SEC. 11.28.170 *Oath of Personal Representative.* Before letters testamentary or of administration are issued, each personal representative or an officer of a bank or trust company qualified to act as a personal representative, must take and subscribe an oath, before some person authorized to administer oaths, that the duties of the trust as personal representative will be performed according to law, which oath must be filed in the cause and recorded.

Oath of personal representative.

SEC. 11.28.180 *Bond of Personal Representative—Exceptions.* Every person to whom letters testamentary or of administration are directed to issue must,

Bond of personal representative—Exceptions.

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Letters testa-
mentary and
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tration. Bond
of personal
representative
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before receiving them, execute a bond to the state of Washington, except as hereinafter provided, with such surety, or sureties, as the court may judge sufficient, which bond shall be in a sum to be fixed by the court, and which bond must be conditioned that the personal representative shall faithfully execute the duties of the trust according to law, and such bond shall be approved by the court. The court may at any time and for any reason require the personal representative to give additional bonds, the same to be conditioned and to be approved as above provided; or, the court may allow a reduction of the bond upon proper showing. When the petition for letters testamentary or of administration is made by or upon the written request of the surviving spouse and the court is satisfied from the petition and the evidence introduced at the hearing thereon that the value of the estate does not exceed the exemptions allowed by law to the surviving spouse, the court in its discretion may order that letters testamentary or of administration be issued without bond; and in all other estates where it appears from the petition for letters testamentary or of administration and from the evidence submitted at the hearing thereon that the value of the estate does not exceed five hundred dollars and that the rights of heirs and creditors will not be jeopardized thereby, the court may order that letters testamentary or of administration be issued without bond; and in all cases where a bank or trust company authorized to act as personal representative is appointed as personal representative or acts as personal representative under an appointment as such heretofore made, no bond shall be required.

Examination
of sureties—
Additional
security—
Costs.

SEC. 11.28.190 *Examination of Sureties — Additional Security—Costs.* Before the judge approves any bond required under this chapter, and after its approval, he may, of his own motion, or upon the motion of any person interested in the estate, supported

by affidavit that the sureties, or some one or more of them, are not worth as much as they have justified to, order a citation to issue, requiring such sureties to appear before him at a designated time and place, to be examined touching their property and its value; and the judge must, at the same time, cause notice to be issued to the personal representative, requiring his appearance on the return of the citation, and on its return he may examine the sureties and such witnesses as may be produced touching the property of the sureties and its value; and if upon such examination he is satisfied that the bond is insufficient he must require sufficient additional security. If the bond and sureties are found by the court to be sufficient, the costs incident to such hearing shall be taxed against the party instituting such hearing. As a part of such costs the sureties appearing shall be allowed such fees and mileage as witnesses are allowed in civil proceedings: *Provided*, That when the citation herein referred to is issued on the motion of the court, no costs shall be imposed.

SEC. 11.28.200 *Waiver of Bond by Will.* When it is expressly provided in the will that no bonds shall be required of the executor, letters testamentary may issue and sale of real estate be made and confirmed without any bond, unless the court for good cause requires one to be executed; but the executor may at any time afterwards, if it appear from any cause necessary or proper, be required to file a bond, as in other cases.

Waiver of
bond by will.

SEC. 11.28.210 *New or Additional Bond.* Any person interested may at any time by verified petition to the court, or otherwise, complain of the sufficiency of any bond or sureties thereon, and the court may upon such petition, or upon its own motion, and with or without hearing upon the matter, require the personal representative to give a new, or additional

New or additional
bond.

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mentary, etc.

bond, or bonds, and in all such matters the court may act in its discretion and make such orders and citations as to it may seem right and proper in the premises.

Persons dis-
qualified as
sureties.

SEC. 11.28.220 *Persons Disqualified as Sureties.*

No judge of the superior court, no sheriff, clerk of a court, or deputy of either, and no attorney at law shall be taken as surety on any bond required to be taken in any proceeding in probate.

Bond not void
for want of
form—Succes-
sive recov-
eries.

SEC. 11.28.230 *Bond Not Void for Want of Form—Successive Recoveries.* No bond required under the provisions of this chapter, and intended as such bond, shall be void for want of form, recital or condition; nor shall the principal or surety on such account be discharged, but all the parties thereto shall be held and bound to the full extent contemplated by the law requiring the same, to the amount specified in such bond. In all actions on such defective bond the plaintiff may state its legal effect in the same manner as though it were a perfect bond. The bond shall not be void upon the first recovery, but may be sued and recovered upon, from time to time, by any person aggrieved in his own name, until the whole penalty is exhausted.

Limitation of
action against
sureties.

SEC. 11.28.235 *Limitation of Action Against Sureties.* All actions against sureties shall be commenced within six years after the revocation or surrender of letters of administration or death of the principal.

Notice of ap-
pointment as
personal rep-
resentative.

SEC. 11.28.237 *Notice of Appointment as Personal Representative.* Within twenty days after his appointment, the personal representative of the estate of a decedent shall cause written notice of his said appointment, and of the pendency of said probate proceedings, to be mailed to each heir, distributee, and, in addition, in the case of a will, to each person named therein whose names and addresses are known

to him, and proof of such mailing shall be made by affidavit and filed in the cause.

SEC. 11.28.240 *Request for Special Notice of Proceedings in Probate.* At any time after the issuance of letters testamentary or of administration upon the estate of any decedent, any person interested in said estate as heir, devisee, distributee, legatee or creditor whose claim has been duly served and filed, or attorney for such heir, devisee, distributee, legatee, or creditor may serve upon the personal representative (or upon the attorney for such personal representative) and file with the clerk of the court wherein the administration of such estate is pending, a written request stating that he desires special notice of any or all of the following named matters, steps or proceedings in the administration of said estate, to wit:

Request for special notice of proceedings in probate.

- (1) Filing of petitions for sales, leases, exchanges or mortgages of any property of the estate.
- (2) Petitions for any order of solvency.
- (3) Filing of accounts.
- (4) Filing of petitions for distribution.
- (5) Petitions by the personal representative for family allowances and homesteads.
- (6) The filing of a declaration of completion.
- (7) The filing of the inventory.
- (8) Notice of presentation of personal representative's claim against the estate.
- (9) Petition to continue a going business.
- (10) Petition to borrow upon the general credit of the estate.

Such requests shall state the post office address of such heir, devisee, distributee, legatee or creditor, or his attorney, and thereafter a brief notice of the filing of any of such petitions, accounts, declaration, inventory or claim, except petitions for sale of perishable property, or other personal property which will incur expense or loss by keeping, shall be addressed

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mentary and
of adminis-
tration.

to such heir, devisee, distributee, legatee or creditor, or his attorney, at his stated post office address, and deposited in the United States post office, with the postage thereon prepaid, at least ten days before the hearing of such petition, account or claim; or personal service of such notices may be made on such heir, devisee, distributee, legatee, or creditor, or attorney, not less than five days before such hearing, and such personal service shall be equivalent to such deposit in the post office, and proof of mailing or of personal service must be filed with the clerk before the hearing of such petition, account or claim. If upon the hearing it shall appear to the satisfaction of the court that the said notice has been regularly given, the court shall so find in its order or judgment, and such judgment shall be final and conclusive.

Revocation of
letters—
Causes.

SEC. 11.28.250 *Revocation of Letters—Causes.* Whenever the court has reason to believe that any personal representative has wasted, embezzled, or mismanaged, or is about to waste, or embezzle the property of the estate committed to his charge, or has committed, or is about to commit a fraud upon the estate, or is incompetent to act, or is permanently removed from the state, or has wrongfully neglected the estate, or has neglected to perform any acts as such personal representative, or for any other cause or reason which to the court appears necessary, it shall have power and authority, after notice and hearing to revoke such letters. The manner of the notice and of the service of the same and of the time of hearing shall be wholly in the discretion of the court, and if the court for any such reasons revokes such letters the powers of such personal representative shall at once cease, and it shall be the duty of the court to immediately appoint some other personal representative, as in this title provided.

—Proceed-
ings in court
or chambers.

SEC. 11.28.260 ————*Proceedings in Court or Chambers.* The applications and acts authorized by

RCW 11.28.250 may be heard and determined in court or at chambers. All orders made therein must be entered upon the minutes of the court.

SEC. 11.28.270 *Powers of Remaining Personal Representatives if Letters to Associates Revoked.* If there be more than one personal representative of an estate, and the letters to part of them be revoked or surrendered, or a part die or in any way become disqualified, those who remain shall perform all the duties required by law.

Powers of remaining representatives if letters to associates revoked.

SEC. 11.28.280 *Administrator de bonis non.* If the personal representative of an estate dies, resigns, or the letters are revoked before the settlement of the estate, letters of administration of the estate remaining unadministered shall be granted to those to whom administration would have been granted if the original letters had not been obtained, or the person obtaining them had renounced administration, and the administrator de bonis non shall perform like duties and incur like liabilities as the former personal representative, and shall serve as administrator with will annexed de bonis non in the event a will has been admitted to probate.

Administrator de bonis non.

SEC. 11.28.290 *Accounting on Death, Resignation, or Revocation of Letters.* If any personal representative resign, or his letters be revoked, or he die, he or his representatives shall account for, pay, and deliver to his successor or to the surviving or remaining personal representatives, all money and property of every kind, and all rights, credits, deeds, evidences of debt, and papers of every kind, of the deceased, at such time and in such manner as the court shall order on final settlement with such personal representative or his legal representatives.

Accounting on death, resignation, or revocation of letters.

SEC. 11.28.300 *Proceedings Against Delinquent Personal Representative.* The succeeding administra-

Proceedings against delinquent representative.

tor, or remaining personal representative may proceed by law against any delinquent former personal representative, or his personal representatives, or the sureties of either, or against any other person possessed of any part of the estate.

Chapter 11.32

SPECIAL ADMINISTRATORS

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and procedure.
Special admin-
istrators. Ap-
pointment of.

SEC. 11.32.010 *Appointment of.* When, by reason of an action concerning the proof of a will, or from any other cause, there shall be a delay in granting letters testamentary or of administration, the judge may, in his discretion, appoint a special administrator (other than one of the parties) to collect and preserve the effects of the deceased; and in case of an appeal from the decree appointing such special administrator, he shall, nevertheless, proceed in the execution of his trust until he shall be otherwise ordered by the appellate court.

Bond.

SEC. 11.32.020 *Bond.* Every such administrator shall, before entering on the duties of his trust, give bond, with sufficient surety or sureties, in such sum as the judge shall order, payable to the state of Washington, with conditions as required of an executor or in other cases of administration: *Provided,* That in all cases where a bank or trust company authorized to act as administrator is appointed special administrator or acts as special administrator under an appointment as such heretofore made, no bond shall be required.

Powers and
duties.

SEC. 11.32.030 *Powers and Duties.* Such special administrator shall collect all the goods, chattels, money, effects, and debts of the deceased, and preserve the same for the personal representative who shall thereafter be appointed; and for that purpose may commence and maintain suits as an administrator, and may also sell such perishable and other goods

as the court shall order sold, and make family allowances under the order of the court. The appointment may be for a specified time, to perform duties respecting specific property, or to perform particular acts, as stated in the order of appointment. Such special administrator shall be allowed such compensation for his services as the said court shall deem reasonable, together with reasonable fees for his attorney.

SEC. 11.32.040 *Succession by Personal Representative.* Upon granting letters testamentary or of administration the power of the special administrator shall cease, and he shall forthwith deliver to the personal representative all the goods, chattels, money, effects, and debts of the deceased in his hands, and the personal representative may be admitted to prosecute any suit commenced by the special administrator, in like manner as an administrator de bonis non is authorized to prosecute a suit commenced by a former personal representative. The estate shall be liable for obligations incurred by the special administrator pursuant to the order of appointment or approved by the court.

Succession by
personal
representative.

SEC. 11.32.050 *Not Liable to Creditors.* Such special administrator shall not be liable to an action by any creditor of the deceased, and the time for limitation of all suits against the estate shall begin to run from the time of granting letters testamentary or of administration in the usual form, in like manner as if such special administration had not been granted.

Not liable to
creditors.

SEC. 11.32.060 *To Render Account.* The special administrator shall also render an account, under oath, of his proceedings, in like manner as other administrators are required to do.

To render
account.

Chapter 11.36

QUALIFICATIONS OF PERSONAL REPRESENTATIVES

Probate law
and procedure.
Personal rep-
resentatives.
Parties dis-
qualified—
Result of dis-
qualification
after appoint-
ment.

SEC. 11.36.010 *Parties Disqualified — Result of Disqualification After Appointment.* The following persons are not qualified to act as personal representatives: Corporations, minors, persons of unsound mind, or who have been convicted of any felony or of a misdemeanor involving moral turpitude: *Provided*, That trust companies regularly organized under the laws of this state and national banks when authorized so to do may act as the personal representative of decedents' or incompetents' estates upon petition of any person having a right to such appointment and may act as executors or guardians when so appointed by will. But no trust company or national bank shall be entitled to qualify as such executor or guardian under any will hereafter drawn by it, or its agents or employees, and no salaried attorney of any such company shall be allowed any attorney fee for probating any such will, or in relation to the administration or settlement of any such estate, and no part of any attorney fee shall inure, directly or indirectly, to the benefit of any trust company or national bank. And when any person to whom letters testamentary or of administration have been issued becomes disqualified to act because of becoming of unsound mind, or being convicted of any crime or misdemeanor involving moral turpitude, the court having jurisdiction shall revoke his or her letters. A nonresident may be appointed to act as personal representative if he shall appoint an agent, who is a resident of the county where such estate is being probated, or, who is an attorney of record of the estate, upon whom service of all papers may be made; such appointment to be made in writing and filed by the clerk with other papers of such estate; and, unless bond has been waived as provided by RCW 11.28.200, such nonresi-

dent personal representative shall file a bond to be approved by the court.

Chapter 11.40

CLAIMS AGAINST ESTATE

SEC. 11.40.010 *Notice to Creditors—Limitation on Filing Claims.* Every personal representative shall, immediately after his appointment, cause to be published in a legal newspaper published in the county in which the estate is being administered, a notice that he has been appointed and has qualified as such personal representative, and therewith a notice to the creditors of the deceased, requiring all persons having claims against the deceased to serve the same on the personal representative or his attorney of record, and file with the clerk of the court, together with proof of such service, within four months after the date of the first publication of such notice. Such notice shall be published once in each week for three successive weeks. If a claim be not filed within the time aforesaid, it shall be barred. Proof by affidavit of the publication of such notice shall be filed with the court: *Provided, however,* In cases where all the property is awarded to the widow, husband or children as in this title provided, the notice to creditors herein provided for may be omitted.

Claims against estate. Notice to creditors—Limitation on filing claims.

SEC. 11.40.020 *Affidavit of Claimant.* Every claim served and filed as above provided shall be supported by the affidavit of the claimant that the amount is justly due, that no payments have been made thereon, and that there are no offsets to the same to the knowledge of the claimant.

Affidavit of claimant.

SEC. 11.40.030 *Allowance or Rejection of Claims—Failure to Act.* When a claim, accompanied by the affidavit required in RCW 11.40.020 has been served and filed, it shall be the duty of the personal representative to indorse thereon his allowance or rejection.

Allowance or rejection of claims—Failure to act.

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and procedure.
Claims against
estate. Allow-
ance or rejec-
tion—Failure
to act.

tion, with the day and date thereof. If he allow the claim, it shall be presented to the judge of the court, who shall in the same manner indorse on it his allowance or rejection, or he may by order allow or reject the claim. If the personal representative reject the claim in whole or in part, he shall notify the claimant forthwith of said rejection and file in the office of the clerk an affidavit showing such notification and the date thereof. Such notification shall be by personal service or registered or certified mail and shall state that the holder of the rejected claim must bring suit in the proper court against the personal representative within thirty days after notification of the rejection, otherwise the claim shall be forever barred.

If the personal representative shall neglect for the period of sixty days after service upon him or his attorney to act upon any such claim, the claimant may take the matter up before the court and the court may require the personal representative to act on such claim and in its discretion may impose costs and attorney's fees.

Effect of
allowance.

SEC. 11.40.040 *Effect of Allowance.* Every claim which has been allowed by the personal representative and the said judge, shall be ranked among the acknowledged debts of the estate to be paid in the course of administration.

Judge as cred-
itor of estate.

SEC. 11.40.050 *Judge as Creditor of Estate.* Any judge of a court may present a claim against the estate of any decedent for allowance; and if the personal representative allows such claim, he shall, in writing, designate some other judge of the superior court, who shall have the same power to allow or reject it as he would have, had letters issued in his court; and the claimant shall have, in the event of his claim being rejected, all the rights incident to any other creditor against the estate.

SEC. 11.40.060 *Suit on Rejected Claim.* When a claim is rejected by either the personal representative or the court, the holder must bring suit in the proper court against the personal representative within thirty days after notification of the rejection, otherwise the claim shall be forever barred.

Suit on re-
jected claim.

SEC. 11.40.070 *Outlawed Claims.* No claim shall be allowed by the personal representative or court which is barred by the statute of limitations.

Outlawed
claims.

SEC. 11.40.080 *Claims Must be Presented.* No holder of any claim against a decedent shall maintain an action thereon, unless the claim shall have been first presented as herein provided.

Claims must
be presented.

SEC. 11.40.090 *Limitation Tolloed by Vacancy.* The time during which there shall be a vacancy in the administration shall not be included in any limitations herein prescribed.

Limitation
tolloed by
vacancy.

SEC. 11.40.100 *Action Pending at Death of Testator—Substitution.* If any action be pending against the testator or intestate at the time of his death, the plaintiff shall within ninety days after first publication of notice to creditors, serve on the personal representative a motion to have such personal representative, as such, substituted as defendant in such action, and, upon the hearing of such motion, such personal representative shall be so substituted, unless, at or prior to such hearing, the claim of plaintiff, together with costs, be allowed by the personal representative and court. After the substitution of such personal representative, the court shall proceed to hear and determine the action as in other civil cases.

Action pend-
ing at death of
testator—
Substitution.

SEC. 11.40.110 *Partial Allowance of Claim.* Whenever any claim shall have been filed and presented to a personal representative and the court, and a part thereof shall be allowed, the amount of such allowance shall be stated in the indorsement. If the cred-

Partial allow-
ance of claim.

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estate.

itor shall refuse to accept the amount so allowed in satisfaction of his claim, he shall recover no costs in any action he may bring against the personal representative unless he shall recover a greater amount than that offered to be allowed, exclusive of interest and costs.

Effect of judgment against personal representative.

SEC. 11.40.120 *Effect of Judgment Against Personal Representative.* The effect of any judgment rendered against any personal representative shall be only to establish the amount of the judgment as an allowed claim.

Judgment against decedent—
Payment.

SEC. 11.40.130 *Judgment Against Decedent—Payment.* When any judgment has been rendered against the testator or intestate in his lifetime, no execution shall issue thereon after his death, but it shall be presented to the personal representative, as any other claim, but need not be supported by the affidavit of the claimant, and if justly due and unsatisfied, shall be paid in due course of administration: *Provided, however,* That if it be a lien on any property of the deceased, the same may be sold for the satisfaction thereof, and the officer making the sale shall account to the personal representative for any surplus in his hands.

Claim of personal representative.

SEC. 11.40.140 *Claim of Personal Representative.* If the personal representative is himself a creditor of the testator or intestate, his claim, duly authenticated by affidavit, shall be filed and presented for allowance or rejection to the judge of the court, and its allowance by the judge shall be sufficient evidence of its correctness. This section shall apply to nonintervention and all other wills.

Notice to creditors when personal representative resigns, etc.

SEC. 11.40.150 *Notice to Creditors When Personal Representative Resigns, Dies, or Is Removed.* In case of resignation, death or removal for any cause of any personal representative, and the appointment of an-

other or others, after notice has been given by publication as required by RCW 11.40.010, by such personal representative first appointed, to persons to file their claims against the decedent, it shall be the duty of the successor or personal representative to cause notice of such resignation, death or removal and such new appointment to be published two successive weeks in a legal newspaper published in the county in which the estate is being administered, but the time between the resignation, death or removal and such publication shall be added to the time within which claims shall be filed as fixed by the published notice to creditors unless such time shall have expired before such resignation or removal or death: *Provided, however,* That no such notice shall be required if the period for filing claims was fully expired during the time that the former personal representative was qualified.

Chapter 11.44

INVENTORY AND APPRAISEMENT

SEC. 11.44.015 *Inventory.* Within three months Inventory. after his appointment, unless a longer time shall be granted by the court, every personal representative shall make and return upon oath into the court a true inventory of all of the property of the estate which shall have come to his possession or knowledge, including a statement of all encumbrances, liens or other secured charges against any item. Such property shall be classified as follows:

- (1) Real property, by legal description and assessed valuation of land and improvements thereon;
- (2) Corporation stock;
- (3) Mortgages, bonds, notes and other written evidences of debt;
- (4) Bank accounts and money;
- (5) Furniture and household goods;

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Inventory and
appraisal.

(6) All other personal property accurately identified, including the decedent's proportionate share in any partnership, but no inventory of the partnership property shall be required of the personal representative.

Additional
inventory.

SEC. 11.44.025 *Additional Inventory.* Whenever any property not mentioned in the inventory comes to the knowledge of a personal representative, he shall cause the same to be inventoried and appraised within thirty days after the discovery thereof, unless a longer time shall be granted by the court.

Inventory or
appraisal
may be con-
tradicted.

SEC. 11.44.035 *Inventory or Appraisal May be Contradicted.* In an action against the personal representative where his administration of the estate, or any part thereof, is put in issue and the inventory of the estate returned by him, or the appraisal thereof is given in evidence, the same may be contradicted or avoided by evidence. Any party in interest in the estate may challenge the inventory or appraisal at any stage of the probate proceedings.

Failure to re-
turn inventory
—Revocation
of letters.

SEC. 11.44.050 *Failure to Return Inventory—Revocation of Letters.* If any personal representative shall neglect or refuse to return the inventory within the period prescribed, or within such further time as the court may allow, the court may revoke the letters testamentary or of administration; and the personal representative shall be liable on his bond to any party interested for the injury sustained by the estate through his neglect.

Appointment
of appraiser.

SEC. 11.44.055 *Appointment of Appraiser.* The personal representative shall apply to the court for the appointment of a suitable disinterested person to appraise the property inventoried and the court shall appoint such appraiser.

If any part of the estate shall be in a county other than that in which the letters are issued, an appraiser

residing in that county may be appointed or the same appraiser may act.

SEC. 11.44.060 The value of the estate and effects of deceased persons determined under the probate law shall be the value for appraisement and inheritance tax purposes, except where the same estate is valued for federal estate tax purposes, and the valuation is adjusted according to federal appraisement in accordance with RCW 83.40.040.

Value for appraisement, inheritance tax purposes.

SEC. 11.44.065 *Duties of Appraiser.* The appraiser shall determine and state in figures opposite each item contained in the inventory the fair net value thereof, as of the date of decedent's death, after deducting the encumbrances, liens and other secured charges thereon, and shall deliver such inventory and appraisement, certified by him under oath to the personal representative within thirty days following his appointment, unless a longer time shall be granted by the court.

Duties of appraiser.

SEC. 11.44.070 *Compensation of Appraiser.* The appraiser shall receive as compensation for his service an amount as to the court shall seem just and reasonable, but not less than ten dollars nor more than one-tenth of one percent of the assets of the estate actually appraised by him.

Compensation of appraiser.

SEC. 11.44.080 *Dispensing with Appraisement.* Where it is shown by the filing of the inventory, or other proof to the satisfaction of the court, that the whole estate consists of personal property of less value than one thousand dollars, exclusive of moneys, drafts, bank and savings and loan association accounts, checks, and of bonds or securities listed with a recognized securities market or exchange, an appraisement may be dispensed with, in the discretion of the court, and the court may accept the verified appraisal of the personal representative in lieu of an

Dispensing with appraisement.

appraisal by an appraiser; and in such case the court need not appoint an appraiser or may revoke his appointment if already made.

Probate law and procedure. Inventory. Claims against personal representative to be included.

SEC. 11.44.085 *Claims Against Personal Representative to be Included.* The naming or the appointment of any person as personal representative shall not operate as a discharge from any just claim which the testator or intestate had against the personal representative, but the claim shall be included in the inventory and the personal representative shall be liable to the same extent as he would have been had he not been appointed personal representative.

Discharge of debt construed as specific bequest and included.

SEC. 11.44.090 *Discharge of Debt to be Construed as Specific Bequest and Included.* The discharge or bequest in a will of any debt or demand of the testator against any executor named in his will or against any person shall not be valid against the creditors of the deceased, but shall be construed as a specific bequest of such debt or demand, and the amount thereof shall be included in the inventory, and shall, if necessary, be applied in payment of his debts; if not necessary for that purpose, it shall be paid in the same manner and proportions as other specific legacies.

Chapter 11.48

PERSONAL REPRESENTATIVES—GENERAL PROVISIONS—ACTIONS BY AND AGAINST

Personal representatives. General powers and duties.

SEC. 11.48.010 *General Powers and Duties.* It shall be the duty of every personal representative to settle the estate in his hands as rapidly and as quickly as possible, without sacrifice to the estate. He shall collect all debts due the deceased and pay all debts as hereinafter provided. He shall be authorized in his own name to maintain and prosecute such actions as pertain to the management and settlement of the estate, and may institute suit to collect any debts due

the estate or to recover any property, real or personal, or for trespass of any kind or character.

SEC. 11.48.020 *Right to Possession and Management of Estate.* Every personal representative shall, after having qualified, by giving bond as hereinbefore provided, have a right to the immediate possession of all the real as well as personal estate of the deceased, and may receive the rents and profits of the real estate until the estate shall be settled or delivered over, by order of the court, to the heirs or devisees, and shall keep in tenable repair all houses, buildings and fixtures thereon, which are under his control.

Right to possession and management of estate.

SEC. 11.48.025 *Continuation of Decedent's Business.* Upon a showing of advantage to the estate the court may authorize a personal representative to continue any business of the decedent, other than the business of a partnership of which the decedent was a member: *Provided,* That if decedent left a nonintervention will or a will specifically authorizing a personal representative to continue any business of decedent, and his estate is solvent, or a will providing that the personal representative liquidate any business of decedent, this section shall not apply.

Continuation of decedent's business.

The order shall specify:

- (1) The extent of the authority of the personal representative to incur liabilities;
- (2) The period of time during which he may operate the business;
- (3) Any additional provisions or restrictions which the court may, at its discretion, include.

Any interested person may for good cause require the personal representative to show cause why the authority granted him should not be limited or terminated. The order to show cause shall set forth the manner of service thereof and the time and place of hearing thereon.

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and procedure.
Personal rep-
resentatives.
Chargeable
with whole
estate.

SEC. 11.48.030 *Chargeable With Whole Estate.*

Every personal representative shall be chargeable in his accounts with the whole estate of the deceased which may come into his possession. He shall not be responsible for loss or decrease or destruction of any of the property or effects of the estate, without his fault.

Not chargeable
on special
promise to pay
decendent's
debts unless
in writing.

SEC. 11.48.040 *Not Chargeable on Special Promise to Pay Decedent's Debts Unless in Writing.*

No personal representative shall be chargeable upon any special promise to answer damages, or to pay the debts of the testator or intestate out of his own estate, unless the agreement for that purpose, or some memorandum or note thereof, is in writing and signed by such personal representative, or by some other person by him thereunto specially authorized.

Allowance of
necessary
expenses.

SEC. 11.48.050 *Allowance of Necessary Expenses.*

He shall be allowed all necessary expenses in the care, management and settlement of the estate.

May recover
for embezzled,
alienated
property of
decendent.

SEC. 11.48.060 *May Recover for Embezzled or Alienated Property of Decedent.*

If any person, before the granting of letters testamentary or of administration, shall embezzle or alienate any of the moneys, goods, chattels, or effects of any deceased person, he shall stand chargeable, and be liable to the personal representative of the estate, in the value of the property so embezzled or alienated, together with any damage occasioned thereby, to be recovered for the benefit of the estate.

Concealed or
embezzled
property—
Proceedings
for discovery.

SEC. 11.48.070 *Concealed or Embezzled Property—Proceedings for Discovery.*

The court shall have authority to bring before it any person or persons suspected of having in his possession or having concealed, embezzled, conveyed or disposed of any of the property of the estate of decedents or incompetents subject to administration under this title, or

who has in his possession or within his knowledge any conveyances, bonds, contracts, or other writings which contain evidence of or may tend to establish the right, title, interest or claim of the deceased in and to any property. If such person be not in the county in which the letters were granted, he may be cited and examined either before the court of the county where found or before the court issuing the order of citation, and if he be found innocent of the charges he shall be entitled to recover costs of the estate, which costs shall be fees and mileage of witnesses, statutory attorney's fees, and such per diem and mileage for the person so charged as allowed to witnesses in civil proceedings. Such party may be brought before the court by means of citation such as the court may choose to issue, and if he refuse to answer such interrogatories as may be put to him touching such matters, the court may commit him to the county jail, there to remain until he shall be willing to make such answers.

SEC. 11.48.080 *Uncollectible Debts, Liability for—Purchase of Claims by Personal Representative.* No personal representative shall be accountable for any debts due the estate, if it shall appear that they remain uncollected without his fault. No personal representative shall purchase any claim against the estate he represents, but the personal representative may make application to the court for permission to purchase certain claims, and if it appears to the court to be for the benefit of the estate that such purchase shall be made, the court may make an order allowing such claims and directing that the same may be purchased by the personal representative under such terms as the court shall order, and such claims shall thereafter be paid as are other claims, but the personal representative shall not profit thereby.

Uncollectible debts, liability for—Purchase of claims by personal representative.

Probate law and procedure. Personal representatives. Actions for recovery of property and on contract.

SEC. 11.48.090 *Actions for Recovery of Property and on Contract.* Actions for the recovery of any property or for the possession thereof, and all actions founded upon contracts, may be maintained by and against personal representatives in all cases in which the same might have been maintained by and against their respective testators or intestates.

Action on bond of previous representative.

SEC. 11.48.120 *Action on Bond of Previous Personal Representative.* Any personal representative may in his own name, for the benefit of all parties interested in the estate, maintain actions on the bond of a former personal representative of the same estate.

Compromise of claims.

SEC. 11.48.130 *Compromise of Claims.* The court shall have power to authorize the personal representative to compromise and compound any claim owing the estate.

Recovery of decedent's fraudulent conveyances.

SEC. 11.48.140 *Recovery of Decedent's Fraudulent Conveyances.* When there shall be a deficiency of assets in the hands of a personal representative, and when the deceased shall in his lifetime have conveyed any real estate, or any rights, or interest therein, with intent to defraud his creditors or to avoid any right, duty or debt of any person, or shall have so conveyed such estate, which deeds or conveyances by law are void as against creditors, the personal representative may, and it shall be his duty to, commence and prosecute to final judgment any proper action for the recovery of the same, and may recover for the benefit of the creditors all such real estate so fraudulently conveyed, and may also, for the benefit of the creditors, sue and recover all goods, chattels, rights and credits which may have been so fraudulently conveyed by the deceased in his lifetime, whatever may have been the manner of such fraudulent conveyance.

SEC. 11.48.150 *Several Personal Representatives Considered as One.* In an action against several personal representatives, they shall all be considered as one person representing their testator or intestate, and judgment may be given and execution issued against all of them who are defendants in the action.

Several representatives as one.

SEC. 11.48.160 *Default Judgment Not Evidence of Assets—Exception.* When a judgment is given against a personal representative for want of answer, such judgment is not to be deemed evidence of assets in his hands, unless it appear that the complaint alleged assets and that the notice was served upon him.

Default judgment not evidence of assets—Exception.

SEC. 11.48.180 *Liability of Executor de Son Tort.* No person is liable to an action as executor of his own wrong for having taken, received or interfered with the property of a deceased person, but is responsible to the personal representatives of such deceased person for the value of all property so taken or received, and for all injury caused by his interference with the estate of the deceased.

Liability of executor de son tort.

SEC. 11.48.190 *Executor of Executor May Not Sue for Estate of First Testator.* An executor of an executor has no authority as such to commence or maintain an action or proceeding relating to the estate of the testator of the first executor, or to take any charge or control thereof.

Executor of executor may not sue for estate of first testator.

SEC. 11.48.200 *Arrest and Attachment, When Authorized.* In an action against a personal representative as such, the remedies of arrest and attachment shall not be allowed on account of the acts of his testator or intestate, but for his own acts as such personal representative, such remedies shall be allowed for the same causes in the manner and with like effect as in actions at law generally.

Arrest and attachment, when authorized.

SEC. 11.48.210 *Compensation—Attorney's Fee.* If testator by will makes provision for the compensation

Compensation—Attorney's fee.

Probate law
and procedure.
Personal rep-
resentatives.
Compensation
—Attorney's
fee.

of his personal representative, that shall be taken as his full compensation unless he files in the court a written instrument renouncing all claim for the compensation provided by the will before qualifying as personal representative. The personal representative, when no compensation is provided in the will, or when he renounces all claim to the compensation provided in the will, shall be allowed such compensation for his services as the court shall deem just and reasonable. Additional compensation may be allowed for his services as attorney and for other services not required of a personal representative. An attorney performing services for the estate at the instance of the personal representative shall have such compensation therefor out of the estate as the court shall deem just and reasonable. Such compensation may be allowed at the final account; but at any time during administration a personal representative or his attorney may apply to the court for an allowance upon the compensation of the personal representative and upon attorney's fees. If the court finds that the personal representative has failed to discharge his duties as such in any respect, it may deny him any compensation whatsoever or may reduce the compensation which would otherwise be allowed.

Chapter 11.52

PROVISIONS FOR FAMILY SUPPORT

Award in lieu
of homestead
—Amount—
Time
for filing
petition.

SEC. 11.52.010 *Award in Lieu of Homestead—Amount—Time for Filing Petition.* If it is made to appear to the satisfaction of the court that no homestead has been claimed in the manner provided by law, either prior or subsequent to the death of the person whose estate is being administered, then the court, after hearing and upon being satisfied that the funeral expenses, expenses of last sickness and of administration have been paid or provided for, and

upon petition for that purpose, shall award and set off to the surviving spouse, if any, property of the estate, either community or separate, not exceeding the value of ten thousand dollars at the time of death, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased spouse, and exclusive of any mortgage or mechanic's, laborer's or materialmen's or vendor's liens upon the property so set off, and exclusive of funeral expenses, expenses of last sickness and administration, which expenses may be deducted from the gross value in determining the value to be set off to the surviving spouse; provided that the court shall have no jurisdiction to make such award unless the petition therefor is filed with the clerk within six years from the date of the death of the person whose estate is being administered.

SEC. 11.52.012 *Award—Effect—Conditions Under Which Award May Be Denied or Reduced.* Such award shall be made by an order or judgment of the court and shall vest the absolute title, and thereafter there shall be no further administration upon such portion of the estate so set off, but the remainder of the estate shall be settled as other estates: *Provided*, That no property of the estate shall be awarded or set off, as in RCW 11.52.010 through 11.52.024 provided, to a surviving spouse who has feloniously killed the deceased spouse: *Provided further*, That if it shall appear to the court, either (1) that there are minor or incompetent children of the deceased by a former marriage or by adoption prior to decedent's marriage to petitioner, or (2) that the petitioning surviving spouse has abandoned his or her minor children or wilfully and wrongfully failed to provide for them, or (3) if such surviving spouse or minor children are entitled to receive property including insurance by reason of the death of the deceased spouse in the sum of ten thousand dollars,

—Effect—
Conditions
under which
award may be
denied or
reduced.

Probate law and procedure. Award in lieu of homestead.

or more, then the award in lieu of homestead and exemptions shall lie in the discretion of the court, and that whether there shall be an award and the amount thereof shall be determined by the court, who shall enter such decree as shall be just and equitable but not in excess of the award provided herein.

—Notice of hearing—Appointment of guardian ad litem for incompetents.

SEC. 11.52.014 *Award—Notice of Hearing—Appointment of Guardian Ad Litem for Incompetents.* Notice of such hearing shall be given in the manner prescribed in RCW 11.76.040. If there be any incompetent heir of the decedent, the court shall appoint a guardian ad litem for such incompetent heir, who shall appear at the hearing and represent the interest of such incompetent heir.

—Finality—Is in lieu—Exempt from debts—Which law applies.

SEC. 11.52.016 *Award—Finality—Is in Lieu—Exempt from Debts—Which Law Applies.* The order of judgment of the court making the award or awards provided for in RCW 11.52.010 through 11.52.024 shall be conclusive and final, except on appeal and except for fraud. The awards in RCW 11.52.010 through 11.52.024 provided shall be in lieu of all homestead provisions of the law and of exemptions. The said property, when set aside as herein provided, shall be exempt from all claims for the payment of any debt of the deceased or of the surviving spouse existing at the time of death, whether such debt be individual or community. Under RCW 11.52.010 through 11.52.024, the court shall not award more property than could be awarded under the law in effect at the time of the death of the deceased spouse.

Homestead may be awarded to survivor—Appointment of guardian ad litem.

SEC. 11.52.020 *Homestead May Be Awarded to Survivor—Appointment of Guardian Ad Litem.* In event a homestead has been, or shall be selected in the manner provided by law, whether the selection of such homestead results in vesting the complete or partial title in the survivor, it shall be the duty

of the court, upon petition of any person interested, and upon being satisfied that the value thereof does not exceed ten thousand dollars at the time of the death, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased and exclusive of mortgages, mechanic's, laborer's, materialmen's or vendor's liens thereon, and exclusive of funeral expenses, expenses of last sickness and of administration, which expenses may be deducted from the gross value in determining the value to be set off to the surviving spouse, to enter a decree, upon notice as provided in RCW 11.52.014 or upon longer notice if the court so orders, setting off and awarding such homestead to the survivor, thereby vesting the title thereto in fee simple in the survivor: *Provided*, That if there be any incompetent heirs of the decedent, the court shall appoint a guardian ad litem for such incompetent heir who shall appear at the hearing and represent the interest of such incompetent heir.

SEC. 11.52.022 *Award in Addition to Homestead—Conditions Under Which Such Award May Be Denied or Reduced.* If the value of the homestead, exclusive of all such liens, be less than ten thousand dollars, the court, upon being satisfied that the funeral expenses, expenses of last sickness and of administration, have been paid or provided for, shall set off and award additional property, either separate or community, in lieu of such deficiency, so that the value of the homestead, exclusive of all such liens and expenses when added to the value of the other property awarded, exclusive of all such liens and expenses shall equal ten thousand dollars: *Provided*, That if it shall appear to the court, either (1) there are incompetent children of the deceased by a former marriage or by adoption prior to decedent's marriage to petitioner, or (2) that the petitioning surviving spouse has abandoned

Award in addition to homestead—Conditions under which award denied or reduced.

Probate law and procedure. Family support.

his or her minor children or wilfully and wrongfully failed to provide for them, or (3) if such surviving spouse or incompetent children are entitled to receive property including insurance by reason of the death of the deceased spouse in the sum of ten thousand dollars, or more, then the award of property in addition to the homestead, where the homestead is of less than ten thousand dollars in value, shall lie in the discretion of the court, and that whether there shall be an award in addition to the homestead and the amount thereof shall be determined by the court, who shall enter such decree as shall be just and equitable, but not in excess of the award provided herein.

Homestead and additional award—Finality—Is in lieu—Exempt from debts—Which law applies.

SEC. 11.52.024 *Homestead and Additional Award—Finality—Is in Lieu—Exempt from Debts—Which Law Applies.* Said decree shall particularly describe the said homestead and other property so awarded, and such homestead and other property so awarded shall not be subject to further administration, and such decree shall be conclusive and final, except on appeal, and except for fraud, and such awards shall be in lieu of all further homestead rights and of all exemptions. The property in addition to the homestead, when set aside as herein provided, shall be exempt from all claims for the payment of any debt of deceased or of the surviving spouse existing at the time of death, whether such debt be individual or community. Under RCW 11.52.010 through 11.52.024, the court shall not award more property than could be awarded under the law in effect at the time of the death of the deceased spouse.

Support of minor children.

SEC. 11.52.030 *Support of Minor Children.* If there be no surviving spouse, the court shall award and set aside to the minor child or children, if any, and in such proportions as he considers proper, property of the estate as the court may consider neces-

sary for the care and support of said minor or minors until they become of legal age, not exceeding in value the amount which the court is now or hereafter empowered to award to a surviving spouse.

SEC. 11.52.040 *Further Allowance for Family Maintenance.* In addition to the awards herein provided for, the court may make such further reasonable allowance of cash out of the estate as may be necessary for the maintenance of the family according to their circumstances, during the progress of the settlement of the estate, and any such allowance shall be paid by the personal representative in preference to all other charges, except funeral charges, expenses of last sickness and expenses of administration.

Further allowance for family maintenance.

SEC. 11.52.050 *Closure of Estate—Discharge of Personal Representative.* If it is made to appear to the court that the amount of funeral expenses, expenses of last illness, expenses of administration, general taxes and special assessments which were liens at the time of the death of the deceased spouse together with the unpaid balance of any mortgage or mechanic's, laborer's or materialmen's, or vendor's liens upon the property to be set off under the provisions of RCW 11.52.010 through 11.52.024 together with the amount of the award to be made by the court under the provisions of RCW 11.52.010 through 11.52.040 shall be equal to the gross value of the decedent's estate subject to probate, then the court at the time of making such award shall enter its judgment setting aside all of the property of the estate, subject to the aforementioned charges, to the petitioner, shall order the estate closed, discharge the executor or administrator and exonerate the executor's or administrator's bond.

Closure of estate—Discharge of personal representative.

Chapter 11.56

SALES, EXCHANGES, LEASES, MORTGAGES
AND BORROWING

Probate law
and proced-
ure. Property.
Authority to
exchange.

SEC. 11.56.005 *Authority to Exchange.* Whenever it shall appear upon the petition of the personal representative or of any person interested in the estate to be to the best interests of the estate to exchange any real or personal property of the estate for other property, the court may authorize the exchange upon such terms and conditions as it may prescribe, which include the payment or receipt of part cash by the personal representative. If personal property of the estate is to be exchanged, the procedure required by this chapter for the sale of such property shall apply so far as may be; if real property of the estate is to be exchanged, the procedure required by this chapter for the sale of such property shall apply so far as may be.

Authority to
sell, lease or
mortgage.

SEC. 11.56.010 *Authority to Sell, Lease or Mortgage.* The court may order real or personal property sold, leased or mortgaged for the purposes hereinafter mentioned but no sale, lease or mortgage of any property of an estate shall be made except under an order of the court, unless otherwise provided by law.

Priority.

SEC. 11.56.015 *Priority.* In determining what property of the estate shall be sold, mortgaged or leased for any purpose provided by RCW 11.56.020 and 11.56.030, there shall be no priority as between real and personal property, except as provided by will, if any.

Sale, lease,
mortgage
of personal
property.

SEC. 11.56.020 *Sale, Lease or Mortgage of Personal Property.* The court may at any time order any personal property, including for purposes of this section a vendor's interest in a contract for the sale of real estate, of the estate sold for the preserva-

tion of such property or for the payment of the debts of the estate or the expenses of administration or for the purpose of discharging any obligation of the estate or for any other reason which may to the court seem right and proper, and such order may be made either upon or without petition therefor, and such sales may be either at public or private sale or by negotiation and with or without notice of such sale, as the court may determine, and upon such terms and conditions as the court may decide upon. No notice of petition for sale of any personal property need be given, except as provided in RCW 11.28.240, unless the court expressly orders such notice.

Where personal property is sold prior to appraisal, the sale price shall be deemed the value for appraisal. Personal property may be mortgaged, pledged or leased for the same reasons and purposes, and in the same manner as is hereinafter provided for real property.

SEC. 11.56.030 *Sale, Lease or Mortgage of Real Estate—Petition—Notice—Hearing.* Whenever it shall appear to the satisfaction of the court that any portion or all of the real property should be sold, mortgaged or leased for the purpose of raising money to pay the debts and obligations of the estate, and the expenses of administration, inheritance and federal death tax or for the support of the family, to make distribution, or for such other purposes as the court may deem right and proper, the court may order the sale, lease or mortgage of such portion of the property as appears to the court necessary for the purpose aforesaid. It shall be the duty of the personal representative to present a petition to the court giving a description of all the property of the estate and its character, the amount of the debts, expenses and obligations of the estate and such other things as will tend to assist the court in determining the necessity

Sale, lease,
mortgage of
real estate—
Petition—
Notice—
Hearing.

Probate law
and procedure.
Property, ex-
change, lease,
sale or
mortgage of.

for the sale, lease or mortgage and the amount thereof. Unless the court shall by order expressly so provide, no notice of the hearing of such petition for sale, lease or mortgage need be given, except as provided in RCW 11.28.240 hereof; if, however, the court should order notice of such hearing, it shall determine upon the kind, character and time thereof. At the hearing of such petition the court may have brought before it such testimony or information as it may see fit to receive, for the purpose of determining whether it should order any of the property of the estate sold, leased or mortgaged. The absence of any allegation in the petition shall not deprive the court of jurisdiction to order said sale, lease or mortgage, and the court may, if it see fit, order such sale, lease or mortgage without any petition having been previously presented.

Order direct-
ing mortgage.

SEC. 11.56.040 *Order Directing Mortgage.* If the court should determine that it is necessary or proper, for any of the said purposes, to mortgage any or all of said property, it may make an order directing the personal representative to mortgage such thereof as it may determine upon, and such order shall contain the terms and conditions of such transaction and authorize the personal representative to execute and deliver his note or notes and secure the same by mortgage, and thereafter it shall be the duty of such personal representative to comply with such order. The personal representative shall not deliver any such note, mortgage or other evidence of indebtedness until he has first presented same to the court and obtained its approval of the form. Every mortgage so made and approved shall be effectual to mortgage and encumber all the right, title and interest of the said estate in the property described therein at the time of the death of the said decedent, or acquired by his estate, and no irregularity in the proceedings shall impair or invalidate any mortgage

given under such order of the court and approved by it.

SEC. 11.56.045 *Order Directing Lease*. If the court should determine that it is necessary or proper, for any of the said purposes to lease any or all of said property, it may make an order directing the personal representative to lease such thereof as it may determine upon, and such order shall contain the terms and conditions of such transaction and authorize the personal representative to execute the lease and thereafter it shall be the duty of the personal representative to comply with such order. The personal representative shall not execute such lease until he has first presented the same to the court and obtained its approval of the form.

Order directing lease.

SEC. 11.56.050 *Order Directing Sale*. If the court should determine that it is necessary to sell any or all of the real estate for the purposes mentioned in this title, then it may make and cause to be entered an order directing the personal representative to sell so much of the real estate as the court may determine necessary for the purposes aforesaid. Such order shall give a particular description of the property to be sold and the terms of such sale and shall provide whether such property shall be sold at public or private sale, or by negotiation. The court shall order sold that part of the real estate which is generally devised, rather than any part which may have been specifically devised, but the court may, if it appears necessary, sell any or all of the real estate so devised. After the giving of such order it shall be the duty of the personal representative to sell such real estate in accordance with the order of the court and as in this title provided with reference to the public or private sales of real estate.

Order directing sale.

SEC. 11.56.060 *Public Sales—Notice*. When real property is directed to be sold by public sale, notice

Public sales—Notice.

Probate law
and procedure.
Property, ex-
change, lease,
sale or mort-
gage of.

of the time and place of such sale shall be published in a legal newspaper of the county in which the estate is being administered, once each week for three successive weeks before such sale, in which notices the property ordered sold shall be described with proper certainty: *Provided*, That where real property is located in a county other than the county in which the estate is being administered, publication shall also be made in a legal newspaper of that county. At the time and place named in such notices for the said sale, the personal representative shall proceed to sell the property upon the terms and conditions ordered by the court, and to the highest and best bidder. All sales of real estate at public sale shall be made at the front door of the court house of the county in which the lands are, unless the court shall by order otherwise direct.

Postponement,
adjournment
of sale—
Notice.

SEC. 11.56.070 *Postponement, Adjournment of Sale—Notice.* The personal representative, should he deem it for the best interests of all concerned, may postpone such sale to a time fixed but not to exceed twenty days, and such postponement shall be made by proclamation of the personal representative at the time and place first appointed for the sale; if there be an adjournment of such sale for more than three days, then it shall be the duty of the personal representative to cause a notice of such adjournment to be published in a legal newspaper in the county in which notice was published as provided in RCW 11.56.060, in addition to making such proclamation.

Private sales
of realty—
Notice—Bids.

SEC. 11.56.080 *Private Sales of Realty—Notice—Bids.* When a sale of real property is ordered to be made at private sale, notice of the same must be published in a legal newspaper of the county in which the estate is being administered, once a week for at least two successive weeks before the day on or after which the sale is to be made, in which the lands and

tenements to be sold must be described with common certainty: *Provided*, That where real property is located in a county other than the county in which the estate is being administered, publication shall also be made in a legal newspaper of that county. The notice must state the day on or after which the sale will be made and the place where offers or bids will be received. The day last referred to must be at least fifteen days from the first publication of notice and the sale must not be made before that day, but if made, must be made within twelve months thereafter. The bids or offers must be in writing, and may be left at the place designated in the notice or delivered to the personal representative personally, or may be filed in the office of the clerk of the court to which the return of sale must be made, at any time after the first publication of the notice and before the making of the sale. If it be shown that it will be for the best interest of the estate the court or judge may, by an order, shorten the time of notice, which shall not, however, be less than one week, and may provide that the sale may be made on or after a day less than fifteen, but not less than eight days from the first publication of the notice of sale, and the sale may be made to correspond with such order.

SEC. 11.56.090 *Minimum Price—Private Sale—Sale by Negotiation—Reappraisal*. No sale of real estate at private sale or sale by negotiation shall be confirmed by the court unless the gross sum offered is at least ninety percent of the appraised value thereof, nor unless such real estate shall have been appraised within one year immediately prior to such sale. If it has not been so appraised, or if the court is satisfied that the appraisal is too high or too low, appraisers may be appointed, and they must make an appraisal thereof in the same manner as in the case of the original appraisal of the

Minimum price—Private sale—Sale by negotiation—Reappraisal.

estate, and which appraisalment may be made at any time before the sale or the confirmation thereof.

Probate law
and procedure.
Property, ex-
change, lease,
sale, or mort-
gage of. Con-
firmation of
sale—Approval
—Resale.

SEC. 11.56.100 *Confirmation of Sale—Approval—Resale.* The personal representative making any sale of real estate, either at public or private sale, or sale by negotiation shall within ten days after making such sale file with the clerk of the court his return of such sale, the same being duly verified. In the case of a sale by negotiation the personal representative shall publish a notice in one issue of a legal newspaper of the county in which the estate is being administered; such notice shall include the legal description of the property sold, the selling price and the date after which the sale can be confirmed: *Provided*, That such confirmation date shall be at least ten days after such notice is published. At any time after the expiration of ten days from the publication of such notice, in the case of sale by negotiation, and at any time after the expiration of ten days from the filing of such return, in the case of public or private sale the court may approve and confirm such sale and direct proper instruments of transfer to be executed and delivered. But if the court shall be of the opinion that the proceedings were unfair, or that the sum obtained was disproportionate to the value of the property sold, or if made at private sale or sale by negotiation that it did not sell for at least ninety percent of the appraised value as in RCW 11.56.090 provided, and that a sum exceeding said bid by at least ten percent exclusive of the expense of a new sale, may be obtained, the court may refuse to approve or confirm such sale and may order a resale. On a resale, notice shall be given and the sale shall be conducted in all respects as though no previous sale had been made.

Offer of in-
creased bid—
Duty of Court.

SEC. 11.56.110 *Offer of Increased Bid—Duty of Court.* If, at any time before confirmation of any such

sale, any person shall file with the clerk of the court a bid on such property in an amount not less than ten percent higher than the bid the acceptance of which was reported by the return of sale and shall deposit with the clerk not less than twenty percent of his bid, to be forfeited to the estate unless such bidder complies with his bid, the bidder whose bid was accepted shall be informed of such increased bid by registered or certified mail addressed to such bidder at any address which may have been given by him at the time of making such bid. Such bidder then shall have a period of five days, not including holidays, in which to make and file a bid better than that of the subsequent bidder. After the expiration of such five-day period the court may refuse to confirm the sale reported in the return of sale and direct a sale to the person making the best bid then on file, indicating which is the best bid, and a sale made pursuant to such direction shall need no further confirmation. Instead of such a direction, the court, upon application of the personal representative, may direct the reception of sealed bids. Thereupon the personal representative shall mail notice by registered or certified mail to all those who have made bids on such property informing them that sealed bids will be received by the clerk of the court within ten days. At the expiration of such period the personal representative, in the presence of the clerk of the court, shall open such bids as shall have been submitted to the clerk within the time stated in the notice (whether by previous bidders or not) and shall file a recommendation of the acceptance of the bid which he deems best in view of the requirements of the particular estate. The court may thereupon direct a sale to the bidder whose bid is deemed best by the court and a sale made pursuant to such direction shall need no confirmation: *Provided, however,* That the court

shall consider the net realization to the estate in determining the best bid.

Probate law and procedure. Property exchange, lease, sale or mortgage of. Sales. Effect of confirmation.

SEC. 11.56.115 *Effect of Confirmation.* No petition or allegation thereof for the sale of real estate shall be considered jurisdictional, and confirmation by the court of any sale shall be absolutely conclusive as to the regularity of all proceedings leading up to and including such sale, and no instrument of conveyance of real estate made after confirmation of sale by the court shall be open to attack upon any grounds whatsoever except for fraud, and the confirmation by the court of any such sale shall be conclusive proof that all statutory provisions and all orders of the court with reference to such sale have been complied with.

Conveyance after confirmation of sale.

SEC. 11.56.120 *Conveyance After Confirmation of Sale.* Upon the confirmation of any such sale the court shall direct the personal representative to make, execute and deliver instruments conveying the title to the person to whom such property may be sold, and such instruments of conveyance shall be deemed to convey all the estate, rights and interests of the testator or intestate at the death of the deceased, and any interest acquired by the estate.

Sale, lease, mortgage of realty to pay legacy.

SEC. 11.56.140 *Sale, Lease or Mortgage of Realty to Pay Legacy.* When a testator shall have given any legacy by will that is effectual to charge real estate, and his goods, chattels, rights and credits shall be insufficient to pay such legacy, together with the debts and charges of administration, the personal representative, with the will annexed, may obtain an order to sell, mortgage or lease his real estate for that purpose in the same manner and upon the same terms and conditions as prescribed in this chapter in case of a sale, mortgage or lease for the payments of the debts.

SEC. 11.56.150 *Appropriation to Pay Debts and Expenses.* If the provision made by the will or the estate appropriated be not sufficient to pay the debts and expenses of administration and family expenses, such part of the estate as shall not have been disposed of by the will, if any, shall be appropriated for that purpose, according to the provisions of this chapter.

Appropriation to pay debts and expenses.

SEC. 11.56.160 *Liability of Devisees and Legatees for Debts and Expenses.* The estate, real and personal, given by the will to any legatees or devisees, shall be held liable for the payment of the debts, the expenses of administration and allowances to the family, in proportion to the value or amount of the several devises or legacies, if there shall not be other sufficient estate, except that specific devises or legacies may be exempted, if it appear to the court necessary to carry into effect the intention of the testator.

Liability of devisees and legatees for debts and expenses.

SEC. 11.56.170 *Contribution Among Devisees and Legatees.* When the estate given by any will has been sold for the payment of debts and expenses, all the devisees and legatees shall be liable to contribute, according to their respective interests, to any devisee or legatee from whom the estate devised to him may be taken for the payments of the debts or expenses; and the court, when distribution is made, shall by decree for that purpose, settle the amount of the several liabilities and decree how much each person shall contribute.

Contribution among devisees and legatees.

SEC. 11.56.180 *Sale of Decedent's Contract Interest in Land.* If the deceased person at the time of his death was possessed of a contract for the purchase of lands, his interest in such lands under such contract may be sold on the application of his personal representative in the same manner as if he died seized of such lands; and the same proceedings may be had

Sale of decedent's contract interest in land.

for that purpose as are prescribed in this title in respect to lands of which he died seized, except as hereinafter provided.

Probate law and procedure. Property, exchange, lease, sale, or mortgage of. Assignment of decedent's contract.

SEC. 11.56.210 *Assignment of Decedent's Contract.* Upon the confirmation of such sale, the personal representative shall execute to the purchaser an assignment of the contract and deed, which shall vest in the purchaser, his heirs and assigns, all the right, title and interest of the persons entitled to the interest of the deceased in the land sold at the time of the sale, and such purchaser shall have the same rights and remedies against the vendor of such lands as the deceased would have had if living.

Redemption of decedent's mortgaged estate.

SEC. 11.56.220 *Redemption of Decedent's Mortgaged Estate.* If any person die having mortgaged any real or personal estate, and shall not have devised the same, or provided for any redemption thereof by will, the court, upon the application of any person interested, may order the personal representative to redeem the estate out of the assets, if it should appear to the satisfaction of the court that such redemption would be beneficial to the estate and not injurious to creditors.

Sale or mortgage to effect redemption.

SEC. 11.56.230 *Sale or Mortgage to Effect Redemption.* If it shall be made to appear to the satisfaction of the court that it will be to the interest of the estate of any deceased person to sell or mortgage other personal estate or to sell or mortgage other real estate of the decedent than that mortgaged by him to redeem the property so mortgaged, the court may order the sale or mortgaging of any personal estate, or the sale or mortgaging of any real estate of the decedent which it may deem expedient to be sold or mortgaged for such purpose, which sale or mortgaging shall be conducted in all respects as other sales or mortgages of like property ordered by the court.

SEC. 11.56.240 *Sale of Mortgaged Property if Redemption Inexpedient.* If such redemption be not deemed expedient, the court shall order such property to be sold at public or private sale, which sale shall be with the same notice and conducted in the same manner as required in other cases of real estate or personal property provided for in this title, and shall be sold subject to such mortgage, and the personal representative shall thereupon execute a conveyance thereof to the purchaser, which conveyance shall be effectual to convey to the purchaser all the right, title, and interest which the deceased had in the property, and the purchase money, after paying the expenses of the sale, shall be applied to the residue in due course of administration.

Sale of mortgaged property if redemption inexpedient.

SEC. 11.56.250 *Sales Directed by Will.* When property is directed by will to be sold, or authority is given in the will to sell property, the executor may sell any property of the estate without the order of the court, and without any notice, and it shall not be necessary under such circumstances to make any application to the court with reference to such sales or have the same confirmed by the court.

Sales directed by will.

SEC. 11.56.265 *Brokers Fee and Closing Expenses—Sale, Mortgage or Lease.* In connection with the sale, mortgage or lease of property, the court may authorize the personal representative to pay, out of the proceeds realized therefrom or out of the estate, the customary and reasonable auctioneer's and broker's fees and any necessary expenses for abstracting, title insurance, survey, revenue stamps and other necessary costs and expenses in connection therewith.

Brokers fee and closing expenses—Sale, mortgage or lease.

SEC. 11.56.280 *Borrowing on General Credit of Estate—Petition — Notice — Hearing.* Whenever it shall appear to the satisfaction of the court that money is needed to pay debts of the estate, expenses of administration, inheritance tax, or estate tax, the

Borrowing on general credit of estate—Petition—Notice—Hearing.

Probate law and procedure. Borrowing on general credit of estate—Petition—Notice—Hearing.

court may by order authorize the personal representative to borrow such money, on the general credit of the estate, as appears to the court necessary for the purposes aforesaid. The time for repayment, rate of interest and form of note authorized shall be as specified by the court in its order. The money borrowed pursuant thereto shall be an obligation of the estate repayable with the same priority as unsecured claims filed against the estate. It shall be the duty of the personal representative to present a petition to the court giving a description of all the property of the estate and its character, the amount of the debts, expenses and tax obligations and such other things as will tend to assist the court in determining the necessity for the borrowing and the amount thereof. Unless the court shall by order expressly so provide, no notice of the hearing of such petition need be given, except to persons who have requested notice under the provisions of RCW 11.28.240; if, however, the court should order notice of such hearing, it shall determine upon the kind, character and time thereof. At the hearing of such petition the court may have brought before it such testimony or information as it may see fit to receive, for the foregoing purpose. The absence of any allegation in the petition shall not deprive the court of jurisdiction to authorize such borrowing.

Chapter 11.60

PERFORMANCE OF DECEDENT'S CONTRACTS

Decedent's contracts. Order for performance on application of representative.

SEC. 11.60.010 *Order for Performance on Application of Personal Representative.* If any person, who is bound by contract, in writing, shall die before performing said contract, the superior court of the county in which the estate is being administered, may upon application of the personal representative, without notice, make an order authorizing and directing the personal representative to perform such contract.

SEC. 11.60.020 *Petition, Notice and Hearing When Personal Representative Fails to Make Application.*

If the personal representative fails to make such application, then any person claiming to be entitled to such performance under such contract, may present a petition setting forth the facts upon which such claim is predicated. Notice of hearing shall be in accordance with the provisions of RCW 11.16.081.

Petition, notice, hearing, when representative fails to make application.

SEC. 11.60.030 *Hearing.* At the time appointed for such hearing, or at such other time as the same may be adjourned to, upon proof of service of the notice as provided in RCW 11.16.081, the court shall proceed to a hearing and determine the matter.

Hearing.

SEC. 11.60.040 *Conveyance of Real Property—*

Effect. In the case of real property, a conveyance executed under the provisions of this title shall so refer to the order authorizing the conveyance that the same may be readily found, but need not recite the record in the case generally, and the conveyance made in pursuance of such order shall pass to the grantee all the estate, right, title and interest contracted to be conveyed by the deceased, as fully as if the contracting party himself were still living and executed the conveyance in pursuance of such contract.

Conveyance of real property—Effect.

SEC. 11.60.060 *Procedure on Death of Person Entitled to Performance.* If the person entitled to performance shall die before the commencement of the proceedings according to the provisions of this title or before the completion of performance, any person who would have been entitled to the performance under him, as heir, devisee, or otherwise, in case the performance had been made according to the terms of the contract, or the personal representative of such deceased person, for the benefit of persons entitled, may commence such proceedings, or prosecute the

Procedure on death of person entitled to performance.

same if already commenced; and the performance shall inure to the persons who would have been entitled to it, or to the personal representative for their benefit.

Chapter 11.64

PARTNERSHIP PROPERTY

Probate law
and procedure.
Partnership
property. In-
ventory and
appraisement
on death of
partner—
Filing.

SEC. 11.64.002 *Inventory and Appraisement on Death of Partner—Filing.* Within thirty days after the death of a partner the surviving partner or partners shall file a verified inventory of the assets of the partnership in the superior court in which letters testamentary or of administration are issued on the estate of the decedent, or, if no letters are issued, in the court of the county of which the decedent was resident at the time of his death. The inventory shall state the value of the assets as shown by the books of the partnership and a list of the liabilities of the partnership. If letters testamentary or of administration have been issued on the estate of the decedent, the surviving partner or partners shall cause the assets of the partnership to be appraised in like manner as the individual property of a deceased person, which appraisal shall include the value of the assets of the partnership and a list of the liabilities. The appraisers appointed by the court under RCW 11.44.055 to appraise the property of the deceased partner may appraise the partnership property, and the surviving partner or partners shall file the inventory and appraisal with the court in which the estate of the deceased partner is being administered: *Provided*, That if the surviving partner or partners cannot prepare an inventory within thirty days after the death of the decedent, the court may, on application made within said thirty day period and for good cause shown, grant an extension of time not to exceed an additional three months, within which time such inventory may be filed.

SEC. 11.64.008 *Surviving Partner May Continue in Possession—Accounting.* The surviving partner or partners may continue in possession of the partnership estate, pay its debts, and settle its business, and shall account to the personal representative of the decedent and shall pay over such balances as may, from time to time, be payable to him. Upon the verified petition of the personal representative, or on its own motion, the court, whenever it appears necessary, may order the surviving partner or partners to account to said court.

Surviving partner may continue in possession—Accounting.

SEC. 11.64.016 *Security May Be Required.* If the surviving partner or partners commit waste, or if it appears to the court that it is for the best interest of the estate of the decedent, such court may order the surviving partner or partners to give security for the faithful settlement of the partnership affairs and the payment to the personal representative of any amount due the estate.

Security may be required.

SEC. 11.64.022 *Failure to File Inventory, Appraisal, Etc.—Show Cause—Receiver.* If the surviving partner or partners fail or refuse to file the inventory, list of liabilities or appraisal, or if it appears proper to order the surviving partner or partners to account to the court or to file a bond, said court shall order a citation to issue requiring the surviving partner or partners to appear and show cause why they have not filed an inventory, list of liabilities or appraisal or why they should not account to the court or file a bond. The citation shall be served not less than ten days before the return day designated therein. If the surviving partner or partners neglect or refuse to file an inventory, list of liabilities or appraisal, or fail to account to the court or to file a bond, after they have been directed to do so, they may be punished for a contempt or the court may commit them to jail until they comply with the order of the court. Where

Failure to file inventory, appraisal, etc.—Show cause—Receiver.

Probate law
and procedure.
Partnership
property.

the surviving partner or partners fail to file a bond after being ordered to do so by the court, the court may also appoint a receiver of the partnership estate with like powers and duties of receivers in equity, and order the costs and expenses of the proceedings to be paid out of the partnership estate or out of the estate of the decedent, or by the surviving partner or partners personally, or partly by each of the parties.

Survivor may
purchase
deceased's in-
terest—Protec-
tion against
partnership
liabilities.

SEC. 11.64.030 *Survivor May Purchase Deceased's Interest—Protection Against Partnership Liabilities.* The surviving partner or the surviving partners jointly, shall have the right at any time to petition the court to purchase the interests of a deceased partner in the partnership. Upon such petition being presented the court shall, in such manner as it sees fit, learn and by order fix the value of the interest of the deceased over and above all partnership debts and obligations, and the terms and conditions upon which the surviving partner or partners may purchase, and thereafter the surviving partner or partners shall have the preference right for such length of time as the court may fix, to purchase the interest of the deceased partner at the price and upon the terms and conditions fixed by the court. If any such surviving partner be also the personal representative of the estate of the deceased partner, such fact shall not affect his right to purchase, or to join with the other surviving partners to purchase such interest in the manner hereinbefore provided.

The court shall make such orders in connection with such sale as it deems proper or necessary to protect the estate of the deceased against any liability for partnership debts or obligations.

SEC. 11.64.040 *Surviving Partner May Operate Under Agreement With Estate—Termination.* The court may, in instances where it is deemed advisable,

authorize and direct the personal representative of the estate of a deceased partner to enter into an agreement with the surviving partner or partners under which the surviving partner or partners may continue to operate any going business of the former partnership until the further order of the court. The court may, in its discretion, revoke such authority and direction and thereby terminate such agreement at any time by further order, entered upon the application of the personal representative or the surviving partner or partners or any interested person or on its own motion.

Surviving partner may operate under agreement with estate—Termination.

Chapter 11.68

SETTLEMENT OF ESTATES WITHOUT ADMINISTRATION

SEC. 11.68.010 *Settlement Without Court Intervention—Solvency—Closing of Estate.* In all cases where it is provided in the last will and testament of the deceased that the estate shall be settled in a manner provided in such last will and testament, and that such estate shall be settled without the intervention of any court or courts, and where it duly appears to the court, by the inventory filed, and other proof, that the estate is fully solvent, which fact may be established by an order of the court on the filing of the inventory, it shall not be necessary to take out letters testamentary or of administration, except to admit the will to probate and to file a true inventory of all the property of such estate and give notice to creditors and to the body having charge of the collection of inheritance tax, in the manner required by law.

Settlement of estate without court intervention—Solvency—Closing of estate.

After the probate of any such will and the filing of the inventory all such estates may be managed and settled without the intervention of the court, if the last will and testament so provides. However, when

Probate law and procedure. Settlement of estate without administration.

the estate is ready to be closed the court, upon application, shall have authority and it shall be its duty, to make and cause to be entered a decree finding and adjudging that all debts have been paid, finding and adjudging also the heirs and those entitled to take under the will and distributing the property to the persons entitled thereto. Such decree shall be made after notice given as provided for like decrees in the estates of persons dying intestate. If no application for a final decree is filed, the executor shall, when the administration of the estate has been completed, file a written declaration to that effect, and thereupon his powers shall cease.

The obtaining of any interim order by the executor of a nonintervention will shall not be deemed to be a waiver of the nonintervention powers of such executor.

Executor of nonintervention will may decline.

SEC. 11.68.020 *Executor of Nonintervention Will May Decline.* In all cases, if the party named in such will as executor declines to execute the trust or dies or is otherwise disabled for any cause from acting as such executor, letters testamentary or of administration shall issue and the estate be settled as in other cases.

Procedure when executor recreant to trust.

SEC. 11.68.030 *Procedure When Executor Recreant to Trust.* If the person named in the will fails to execute the trust faithfully and to take care and promote the interest of all parties, then, upon petition of a creditor of the estate, or of any of the heirs, or of any person on behalf of any minor heir, the court shall cite such person to appear before it, and if, upon hearing of the petition it appears that the trust in such will is not faithfully discharged, and that the parties interested, or any of them, have been or are about to be damaged by the doings of the executor, then, in the discretion of the court, administration may be had and required as is required in the ad-

ministration of estates, and in all such cases the costs of the citation and hearing shall be charged against the party failing and neglecting to execute the trust as required in the will.

SEC. 11.68.040 *Powers of Executor Under Nonintervention Will—Presumption of Necessity.* Executors acting under nonintervention wills may, if the estate has been adjudged solvent, mortgage, lease, sell, exchange, and convey the real and personal property of the testator, and borrow money on the general credit of the estate, without an order of the court for that purpose and without notice, approval, or confirmation, and in all other respects administer and settle the estate without the intervention of the court. The other party to any such transaction and his successors in interest shall be entitled to have it conclusively presumed that such transaction is necessary for the administration of the estate.

Powers of executor under nonintervention will—Presumption of necessity.

Chapter 11.72

DISTRIBUTION BEFORE SETTLEMENT

SEC. 11.72.002 *Delivery of Specific Property to Distributee Before Final Decree.* Upon application of the personal representative, with or without notice as the court may direct, the court may order the personal representative to deliver to any distributee who consents to it, possession of any specific real or personal property to which he is entitled under the terms of the will or by intestacy, provided that other distributees and claimants are not prejudiced thereby. The court may at any time prior to the decree of final distribution order him to return such property to the personal representative, if it is for the best interests of the estate. The court may require the distributee to give security for such return.

Distribution before settlement. Delivery of specific property to distributee before final decree.

SEC. 11.72.006 *Partial Distribution—Distribution of Part of Estate.* After the expiration of the time

Partial distribution.

Probate law
and procedure.
Distribution
before
settlement.
Distribution of
part of estate.

limited for the filing of claims and before final settlement of the accounts of the personal representative, a partial distribution may be decreed, with notice to interested persons, as the court may direct. Such distribution shall be as conclusive as a decree of final distribution with respect to the estate distributed except to the extent that other distributees and claimants are deprived of the fair share or amount which they would otherwise receive on final distribution. Before a partial distribution is so decreed, the court may require that security be given for the return of the property so distributed to the extent necessary to satisfy any distributees and claimants who may be prejudiced as aforesaid by the distribution. In the event of a request for a partial distribution asked by a person other than the personal representative of the estate, the costs of such proceedings and a reasonable allowance for attorneys fees shall be assessed against the applicant or applicants for the benefit of the estate.

Chapter 11.76

SETTLEMENT OF ESTATES

Settlement of
estates. Report
of personal
representative
—Contents—
Interim
reports.

SEC. 11.76.010 *Report of Personal Representative —Contents— Interim Reports.* Not less frequently than annually from the date of qualification, unless a final report has theretofore been rendered, the personal representative shall make, verify by his oath, and file with the clerk of the court a report of the affairs of the estate. Such report shall contain a statement of the claims filed and allowed and all those rejected, and if it be necessary to sell, mortgage, lease or exchange any property for the purpose of paying debts or settling any obligations against the estate or expenses of administration or allowance to the family, he may in such report set out the facts showing such necessity and ask for such sale, mortgage, lease

or exchange; such report shall likewise state the amount of property, real and personal, which has come into his hands, and give a detailed statement of all sums collected by him, and of all sums paid out, and it shall state such other things and matters as may be proper or necessary to give the court full information regarding any transactions by him done or which should be done. Such personal representative may at any time, however, make, verify, and file any reports which in his judgment would be proper or which the court may order to be made.

SEC. 11.76.020 *Notice of Hearing—Settlement of Report.* It shall not be necessary for the personal representative to give any notice of the hearing of any report prior to the final report, except as in RCW 11.28.240 provided, but the court may require notice of the hearing of any such report.

Notice of hearing—Settlement of report.

SEC. 11.76.030 *Final Report and Petition for Distribution—Contents.* When the estate shall be ready to be closed, such personal representative shall make, verify and file with the court his final report and petition for distribution. Such final report and petition shall, among other things, show that the estate is ready to be settled, and shall show any moneys collected since the previous report, and any property which may have come into the hands of the personal representative since his previous report, and debts paid, and generally the condition of the estate at that time. It shall likewise set out the names and addresses, as nearly as may be, of all the legatees and devisees in the event there shall have been a will, and the names and addresses, as nearly as may be, of all the heirs who may be entitled to share in such estate, and shall give a particular description of all the property of the estate remaining undisposed of, and shall set out such other matters as may tend to inform the court of the condition of the estate, and it

Final report and petition for distribution—Contents.

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and procedure.
Settlement of
estates. Final
report.

may ask the court for a settlement of the estate and distribution of property and the discharge of the personal representative. If the personal representative has been discharged without having legally closed the estate, without having legally obtained an adjudication as to the heirs, or without having legally procured a decree of distribution or final settlement the court may in its discretion upon petition of any person interested, cause all such steps to be taken in such estate as were omitted or defective.

Time and place
of hearing—
Notices.

SEC. 11.76.040 *Time and Place of Hearing—Notices.* When such final report and petition for distribution, or either, has been filed, the court, or the clerk of the court, shall fix a day for hearing it which must be at least twenty days subsequent to the day of the publication as hereinafter provided. Notice of the time and place fixed for the hearing shall be given by the personal representative by publishing a notice thereof in a legal newspaper published in the county for one publication at least twenty days preceding the time fixed for the hearing. It shall state in substance that a final report and petition for distribution have, or either thereof has, been filed with the clerk of the court, and that the court is asked to settle such report, distribute the property to the heirs or persons entitled thereto, and discharge the personal representative, and it shall give the time and place fixed for the hearing of such final report and petition and shall be signed by the personal representative or the clerk of the court.

Whenever a final report and petition for distribution, or either, shall have been filed in the estate of a decedent and a day fixed for the hearing of the same, the personal representative of such estate shall, not less than twenty days before the hearing, cause to be mailed a copy of the notice of the time and place fixed for hearing to each heir, distributee, and, in

addition, in the case of a will, to each person named therein, whose names and addresses are known to him, and proof of such mailing shall be made by affidavit and filed at or before the hearing.

SEC. 11.76.050 *Hearing on Final Report—Decree of Distribution.* Upon the date fixed for the hearing of such final report and petition for distribution, or either thereof, or any day to which such hearing may have been adjourned by the court, if the court be satisfied that the notice of the time and place of hearing has been given as provided herein, it may proceed to the hearing aforesaid. Any person interested may file objections to the said report and petition for distribution, or may appear at the time and place fixed for the hearing thereof and present his objections thereto. The court may take such testimony as to it appears proper or necessary to determine whether the estate is ready to be settled, and whether the transactions of the personal representative should be approved, and to determine who are the legatees or heirs or persons entitled to have the property distributed to them, and the court shall, if it approves such report, and finds the estate ready to be closed, cause to be entered a decree approving such report, find and adjudge the persons entitled to the remainder of the estate, and that all debts have been paid, and by such decree shall distribute the real and personal property to those entitled to the same. Upon the production of receipts from the beneficiaries or distributees for their portions of the estate, the court shall, if satisfied with the correctness thereof, adjudge the estate closed and discharge the personal representative.

Hearing on
final report—
Decree of dis-
tribution.

The court may, upon such final hearing, partition among the persons entitled thereto, the estate held in common and undivided, and designate and distribute their respective shares; or assign the whole or any

Probate law and procedure. Settlement of estates. Hearing on final report—Decree of distribution.

part of said estate to one or more of the persons entitled to share therein. The person or persons to whom said estate is assigned shall pay or secure to the other parties interested in said estate their just proportion of the value thereof as determined by the court from the appraisal, or from any other evidence which the court may require.

If it shall appear to the court at or prior to any final hearing that the estate cannot be fairly divided, then the whole or any part of said estate may be sold or mortgaged in the manner provided by law for the sale or mortgaging of property by personal representatives and the proceeds thereof distributed to the persons entitled thereto as provided in the final decree.

The court shall have the authority to make partition, distribution and settlement of all estates in any manner which to the court seems right and proper, to the end that such estates may be administered and distributed to the persons entitled thereto. No estate shall be partitioned, nor sale thereof made where partition is impracticable except upon a hearing before the court and the court shall fix the values of the several pieces or parcels to be partitioned at the time of making such order of partition or sale; and may order the property sold and the proceeds distributed, or may order partition and distribute the several pieces or parcels, subject to such charges or burdens as shall be proper and equitable.

The provisions of this section shall be concurrent with and not in derogation of other statutes as to partition of property or sale.

Continuance to cite in sureties on bond when account incorrect.

SEC. 11.76.060 *Continuance to Cite in Sureties on Bond When Account Incorrect.* If, at any hearing upon any report of any personal representative, it shall appear to the court before which said proceeding is pending that said personal representative has

not fully accounted to the beneficiaries of his trust and that said report should not be approved as rendered, the court may continue said hearing to a day certain and may cite the surety upon the bond of said personal representative to appear upon the date fixed in said citation and show cause why the account should not be disapproved and judgment entered for any deficiency against said personal representative and the surety upon his bond. Said citation shall be personally served upon said surety in the manner provided by law for the service of summons in civil actions and shall be served not less than twenty days previous to said hearing. At said hearing any interested party, including the surety so cited, shall have the right to introduce any evidence which shall be material to the matter before the court. If, at said hearing, the report of said personal representative shall not be approved and the court shall find that said personal representative is indebted to the beneficiary of his trust in any amount, the court may thereupon enter final judgment against said personal representative and the surety upon his bond, which judgment shall be enforceable in the same manner and to the same extent as judgments in ordinary civil actions.

SEC. 11.76.070 *Attorney's Fee to Contestant of Erroneous Account or Report.* If, in any probate or guardianship proceeding, any personal representative shall fail or neglect to report to the court concerning his trust and any beneficiary or other interested party shall be reasonably required to employ legal counsel to institute legal proceedings to compel an accounting, or if an erroneous account or report shall be rendered by any personal representative and any beneficiary of said trust or other interested party shall be reasonably required to employ legal counsel to resist said account or report as rendered, and upon a hearing an accounting shall be ordered, or the ac-

Attorney's fee
to contestant
of erroneous
account or
report.

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count as rendered shall not be approved, and the said personal representative shall be charged with further liability, the court before which said proceeding is pending may, in its discretion, in addition to statutory costs, enter judgment for reasonable attorney's fees in favor of the person or persons instituting said proceedings and against said personal representative, and in the event that the surety or sureties upon the bond of said personal representative be made a party to said proceeding, then jointly against said surety and said personal representative, which judgment shall be enforced in the same manner and to the same extent as judgments in ordinary civil actions.

Representation
of incompetent
by guardian ad
litem.

SEC. 11.76.080 *Representation of Incompetent by Guardian ad Litem.* If there be any incompetent or person under disability interested in the estate who has no legally appointed guardian, the court shall appoint some disinterested person, as guardian ad litem, to represent such incompetent or person under disability, with reference to any petition or proceeding in which the incompetent or person under disability may have an interest, who, on behalf of the incompetent or person under disability, may contest the same as any other person interested might contest it, and who shall be allowed by the court reasonable compensation for his services.

Distribution of
five hundred
dollars or less
to minor.

SEC. 11.76.090 *Distribution of Five Hundred Dollars or Less to Minor.* When a decree of distribution is made by the court in administration upon a decedent's estate and distribution is ordered to a person under the age of twenty-one years, of a sum of five hundred dollars or less, the court, in such order of distribution, shall order the same paid to the clerk of the court wherein administration of such estate is pending, and the same shall be paid by the clerk, for the use and as the property of said minor, to the per-

son named in said order of distribution to receive the same, without requiring bond or appointment of any guardian.

SEC. 11.76.095 *Distribution of Estates to Minors.* Distribution of estates to minors. When a decree of distribution is made by the court in administration upon a decedent's estate or when distribution is made by an executor under a nonintervention will and distribution is ordered under such decree or authorized under such nonintervention will to a person under the age of twenty-one years, and the value of such property or money is five thousand dollars or less and there is no general guardian of the incompetent, the court may require that

(1) the money be deposited in a bank or trust company or be invested in an account in an insured savings and loan association for the benefit of the incompetent subject to withdrawal only upon the order of the court in the original probate proceeding, or

(2) in all other cases a general guardian shall be appointed and qualify and the money or other property be paid or delivered to such guardian prior to the discharge of the personal representative in the original probate proceeding.

This section shall not bar distribution under RCW 11.76.090.

SEC. 11.76.100 *Receipts for Expenses to Be Produced by Personal Representative.* Receipts for expenses to be produced by personal representative. In rendering his accounts or reports the personal representative shall produce receipts or canceled checks for the expenses and charges which he shall have paid, which receipts shall be filed and remain in court; however, he may be allowed any item of expenditure, not exceeding twenty dollars, for which no receipt is produced, if such item be supported by his own oath, but such allowances without receipts shall not exceed the sum of three hundred dollars in any one estate.

Probate law and procedure. Settlement of estates. Order of payment of debts.

SEC. 11.76.110 *Order of Payment of Debts.* After payment of costs of administration the debts of the estate shall be paid in the following order:

(1) Funeral expenses in such amount as the court shall order.

(2) Expenses of the last sickness, in such amount as the court shall order.

(3) Wages due for labor performed within sixty days immediately preceding the death of decedent.

(4) Debts having preference by the laws of the United States.

(5) Taxes, or any debts or dues owing to the state.

(6) Judgments rendered against the deceased in his lifetime which are liens upon real estate on which executions might have been issued at the time of his death, and debts secured by mortgages in the order of their priority.

(7) All other demands against the estate.

Limitation on preference to mortgage or judgment.

SEC. 11.76.120 *Limitation on Preference to Mortgage or Judgment.* The preference given in RCW 11.76.110 to a mortgage or judgment shall only extend to the proceeds of the property subject to the lien of such mortgage or judgment.

Expense of monument.

SEC. 11.76.130 *Expense of Monument.* Personal representatives of the estate of any deceased person are hereby authorized to expend a reasonable amount out of the estate of the decedent to erect a monument or tombstone suitable to mark the grave or crypt of the said decedent, and the expense thereof shall be paid as the funeral expenses are paid.

Allowance of claims must precede payment.

SEC. 11.76.140 *Allowance of Claims Must Precede Payment.* No claim against the estate shall be paid until the same shall first have been allowed by both the personal representative and the court.

SEC. 11.76.150 *Payment of Claims Where Estate Insufficient.* If the estate shall be insufficient to pay the debts of any class, each creditor shall be paid in proportion to his claim, and no other creditor of any lower class shall receive any payment until all those of the preceding class shall have been fully paid.

Payment of claims where estate insufficient.

SEC. 11.76.160 *Liability of Personal Representative.* Whenever a decree shall have been made by the court for the payment of creditors, the personal representative shall be personally liable to each creditor for his claim or the dividend thereon, except when his inability to make the payment thereof from the property of the estate shall result without fault upon his part. The personal representative shall likewise be liable on his bond to each creditor.

Liability of personal representative.

SEC. 11.76.170 *Action on Claim Not Acted on—Contribution.* If, after the accounts of the personal representative have been settled and the property distributed, it shall appear that there is a creditor or creditors whose claim or claims have been duly filed and not paid or disallowed, the said claim or claims shall not be a lien upon any of the property distributed, but the said creditor or creditors shall have a cause of action against the personal representative and his bond, for such an amount as such creditor or creditors would have been entitled to receive had the said claim been duly allowed and paid, and shall also have a cause of action against the distributees and creditors for a contribution from them in proportion to the amount which they have received. If the personal representative or his sureties be required to make any payment in this section provided for, he or they shall have a right of action against said distributees and creditors to compel them to contribute their just share.

Action on claim not acted on—Contribution.

SEC. 11.76.180 *Order Maturing Claim Not Due.* If there be any claim not due the court may in its di-

Order maturing claim not due.

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secretion, after hearing upon such notice as may be determined by it, mature such claim and direct that the same be paid in the due course of the administration.

Procedure on
contingent and
disputed
claims.

SEC. 11.76.190 *Procedure on Contingent and Disputed Claims.* If there be any contingent or disputed claim against the estate, the amount thereof, or such part thereof as the holder would be entitled to, if the claim were established or absolute, shall be paid into the court, where it shall remain to be paid over to the party when he shall become entitled thereto; or if he fail to establish his claim, to be paid over or distributed as the circumstances of the case may require.

Agent for non-
resident dis-
tributee.

SEC. 11.76.200 *Agent for Nonresident Distributee.* When any estate has been or is about to be distributed by decree of the court as provided in this chapter, to any person who has not been located, the court shall appoint an agent for the purpose of representing the interests of such person and of taking possession and charge of said estate for the benefit of such absentee person: *Provided,* That no public official may be appointed as agent under this section.

Agent's bond.

SEC. 11.76.210 *Agent's Bond.* Such agent shall make, subscribe, and file an oath for the faithful performance of his duties, and shall give a bond to the state, to be approved by the court, conditioned faithfully to manage and account for such estate, before he shall be authorized to receive any property of said estate.

Sale of un-
claimed estate
—Remittance
of proceeds to
tax commis-
sion.

SEC. 11.76.220 *Sale of Unclaimed Estate—Remittance of Proceeds to Tax Commission.* If the estate remains in the hands of the agent unclaimed for three years, any property not in the form of cash shall be sold under order of the court, and all funds, after deducting a reasonable sum for expenses and

services of the agent, to be fixed by the court, shall be paid into the county treasury. The county treasurer shall issue triplicate receipts therefor, one of which shall be filed with the county auditor, one with the court, and one with the tax commission. If the funds remain in the county treasury unclaimed for a period of four years and ninety days, the county treasurer shall forthwith remit them to the tax commission for deposit in the state treasury in the fund in which escheats and forfeitures are by law required to be deposited.

SEC. 11.76.230 *Liability of Agent.* The agent shall be liable on his bond for the care and preservation of the estate while in his hands, and for the payment of the funds to the county treasury, and may be sued thereon by any person interested including the state.

Liability of agent.

SEC. 11.76.240 *Claimant to Proceeds of Sale.* During the time the estate is held by the agent, or within four years after it is delivered to the county treasury, claim may be made thereto only by the absentee person or his legal representative, excepting that if it clearly appears that such person died prior to the decedent in whose estate distribution was made to him, but leaving lineal descendants surviving, such lineal descendants may claim. If any claim to the estate is made during the period specified above, the claimant shall forthwith notify the tax commission in writing of such claim. The court, being first satisfied as to the right of such person to the estate, and after the filing of a clearance from the tax commission, shall order the agent, or the county treasurer, as the case may be, to forthwith deliver the estate, or the proceeds thereof, if sold, to such person.

Claimant to proceeds of sale.

SEC. 11.76.243 *Heirs May Institute Probate Proceedings if no Claimant Appears.* If no person appears to claim the estate within four years after it is delivered to the county treasury, as provided by

Heirs may institute probate proceedings if no claimant appears.

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RCW 11.76.240, any heirs of the absentee person may institute probate proceedings on the estate of such absentee within ninety days thereafter. The fact that no claim has been made to the estate by the absentee person during the specified time shall be deemed prima facie proof of the death of such person for the purpose of issuing letters of administration in his estate. In the event letters of administration are issued within the period provided above, the county treasurer shall make payment of the funds held by him to the administrator upon being furnished a certified copy of the letters of administration.

Procedure.
When claim
made after
time limita-
tion.

SEC. 11.76.245 *Procedure When Claim Made After Time Limitation.* After any time limitation prescribed in RCW 11.76.220, 11.76.240 or 11.76.243, the absentee claimant may, at any time, if the assets of the estate have not been claimed under the provisions of RCW 11.76.240 and 11.76.243, notify the tax commission of his claim to the estate, and file in the court which had jurisdiction of the original probate a petition claiming the assets of the estate. The tax commission may appear in answer to such petition. Upon proof being made to the probate court that the claimant is entitled to the estate assets, the court shall render its judgment to that effect and the assets shall be paid to the claimant without interest, upon appropriation made by the legislature.

When court
retains juris-
diction after
entry of decree
of distribution.

SEC. 11.76.247 *When Court Retains Jurisdiction After Entry of Decree of Distribution.* After the entry of the decree of distribution in the probate proceedings the court shall retain jurisdiction for the purpose of carrying out the provisions of RCW 11.76.200, 11.76.210, 11.76.220, 11.76.230, 11.76.240, 11.76.243 and 11.76.245.

Letters after
final settle-
ment.

SEC. 11.76.250 *Letters after Final Settlement.* A final settlement of the estate shall not prevent a sub-

sequent issuance of letters of administration, should other property of the estate be discovered, or if it should become necessary and proper from any cause that letters should be again issued.

Chapter 11.80

ESTATES OF ABSENTEES

SEC. 11.80.010 *Petition — Notice — Hearing — Appointment of Trustee.* Whenever it shall be made to appear by petition to any judge of the superior court of any county that there is property in such county, either real or personal, that requires care and attention, or is in such a condition that it is a menace to the public health, safety or welfare, or that the custodian of such property appointed by the owner thereof is either unable or unwilling to continue longer in the care and custody thereof, and that the owner of such property has absented himself from the county and that his whereabouts is unknown and cannot with reasonable diligence be ascertained, which petition shall state the name of the absent owner, his approximate age, his last known place of residence, the circumstances under which he left and the place to which he was going, if known, his business or occupation and his physical appearance and habits so far as known, the judge to whom such petition is presented shall set a time for hearing such petition not less than six weeks from the date of filing, and shall by order direct that a notice of such hearing be published for three successive weeks in a legal newspaper published in the county where such petition is filed and in such other counties and states as will in the judgment of the court be most likely to come to the attention of the absentee or of persons who may know his whereabouts, which notice shall state the object of the petition and the date of hearing, and set forth such facts and circumstances

Estates of
absentees.
Petition—
Notice—Hear-
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ment of
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as in the judgment of the court will aid in identifying the absentee, and shall contain a request that all persons having knowledge concerning the absentee shall advise the court of the facts: *Provided, however,* That the court may, upon the filing of said petition, appoint a temporary trustee, who shall have the powers, duties and qualifications of a special administrator.

If it shall appear at such hearing that the whereabouts of the absentee is unknown, but there is reason to believe that upon further investigation and inquiry he may be found, the judge may continue the hearing and order such inquiry and advertisement as will in his discretion be liable to disclose the whereabouts of the absentee, but when it shall appear to the judge at such hearing or any adjournment thereof that the whereabouts of the absentee cannot be ascertained, he shall appoint a suitable person resident of the county as trustee of such property, taking into consideration the character of the property and the fitness of such trustee to care for the same, preferring in such appointment the husband or wife of the absentee to his presumptive heirs, the presumptive heirs to kin more remote, the kin to strangers, and creditors to those who are not otherwise interested provided they are fit persons to have the care and custody of the particular property in question and will accept the appointment and qualify as hereinafter provided.

Inventory and
appraisalment
—Bond of
trustee.

SEC. 11.80.020 *Inventory and Appraisalment—Bond of Trustee.* The trustee so appointed shall make, subscribe and file in the office of the clerk of the court an oath for the faithful performance of his duties, and shall, within such time as may be fixed by the judge, prepare and file an inventory of such property, and the judge shall thereupon appoint three disinterested and qualified persons to appraise

such property, and report their appraisal to the court within such time as the court may fix. Upon the coming in of the inventory and appraisal, the judge shall fix the amount of the bond to be given by the trustee, which bond shall in no case be less than the appraised value of the personal property and the annual rents and profits of the real property, and the trustee shall thereupon file with the clerk of the court a good and sufficient bond in the amount fixed and with surety to be approved by the court, conditioned for the faithful performance of his duties as trustee, and for accounting for such property, its rents, issues, profits and increase.

SEC. 11.80.030 *Reports of Trustee.* The trustee shall, at the expiration of one year from the date of his appointment and annually thereafter and at such times as the court may direct, make and file a report and account of his trusteeship, setting forth specifically the amounts received and expended and the conditions of the property.

Reports of trustee.

SEC. 11.80.040 *Sale of Property—Application of Proceeds and Income.* If necessary to pay debts against the absentee which have been duly approved and allowed in the same form and manner as provided for the approving and allowing of claims against the estate of a deceased person or for such other purpose as the court may deem proper for the preservation of the estate, the trustee may sell, lease or mortgage real or personal property of the estate under order of the court so to do, which order shall specify the particular property affected and the method, whether by public sale, private sale or by negotiation, and the terms thereof, and the trustee shall hold the proceeds of such sale, after deducting the necessary expenses thereof, subject to the order of the court. The trustee is authorized and empowered

Sale of property—Application of proceeds and income.

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to, by order of the court, expend the proceeds received from the sale of such property, and also the rents, issues and profits accruing therefrom in the care, maintenance and upkeep of the property, so long as the trusteeship shall continue, and the trustee shall receive out of such property such compensation for his services and those of his attorney as may be fixed by the court. The notices and procedures in conducting sales, leases and mortgages hereunder shall be as provided in chapter 11.56 RCW.

Allowance for
support of
dependents—
Sale of prop-
erty.

SEC. 11.80.050 *Allowance for Support of Dependents—Sale of Property.* Whenever a petition is filed in said estate from which it appears to the satisfaction of the court that the owner of such property left a husband or wife, child or children, dependent upon such absentee for support or upon the property in the estate of such absentee, either in whole or in part, the court shall hold a hearing on said petition, after such notice as the court may direct, and upon such hearing shall enter such order as it deems advisable and may order an allowance to be paid out of any of the property of such estate, either community or separate, as the court shall deem reasonable and necessary for the support and maintenance of such dependent or dependents, pending the return of the absentee, or until such time as the property of said estate may be provisionally distributed to the presumptive heirs or to the devisees and legatees. Such allowance shall be paid by the trustee to such persons and in such manner and at such periods of time as the court may direct. For the purpose of carrying out the provisions of this section the court may direct the sale of any of the property of the estate, either real or personal, in accordance with the provisions of RCW 11.80.040.

Continuation
of absentee's
business.

SEC. 11.80.055 *Continuation of Absentee's Business—Performance of Absentee's Contracts.* Upon a

showing of advantage to the estate of the absentee, the court may authorize the trustee to continue any business of the absentee in accordance with the provisions of RCW 11.48.025. The trustee may also obtain an order allowing the performance of the absentee's contracts in accordance with the provisions of chapter 11.60 RCW.

Performance of absentee's contracts.

SEC. 11.80.060 *Removal or Resignation of Trustee—Final Account.* The court shall have the power to remove or to accept the resignation of such trustee and appoint another in his stead. At the termination of his trust, as hereinafter provided or in case of his resignation or removal, the trustee shall file a final account, which account shall be settled in the manner provided by law for settling the final accounts of personal representatives.

Removal or resignation of trustee—Final account.

SEC. 11.80.070 *Period of Trusteeship.* Such trusteeship shall continue until such time as the owner of such property shall return or shall appoint a duly authorized agent or attorney in fact to care for such property, or until such time as the property shall be provisionally distributed to the presumptive heirs, or to the devisees and legatees of the absentee as hereinafter provided, or until such time as the property shall escheat to the state as hereinafter provided.

Period of trusteeship.

SEC. 11.80.080 *Provisional Distribution—Notice of Hearing—Will.* Whenever the owner of such property shall have been absent from the county for the space of five years and his whereabouts are unknown and cannot with reasonable diligence be ascertained, his presumptive heirs at law may apply to the court for an order of provisional distribution of such property, and to be let into provisional possession thereof: *Provided,* That such provisional distribution may be made at any time prior to the expiration of five years, when it shall be made to appear to the satisfaction of the court that there are strong presumptions that the

Provisional distribution—Notice of hearing—Will.

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absentee is dead; and in determining the question of presumptive death, the court shall take into consideration the habits of the absentee, the motives of and the circumstances surrounding the absence, and the reasons which may have prevented the absentee from being heard of.

Notice of hearing upon application for provisional distribution shall be published in like manner as notices for the appointment of trustees are published.

If the absentee left a will in the possession of any person such person shall present such will at the time of hearing of the application for provisional distribution and if it shall be made to appear to the court that the absentee has left a will and the person in possession thereof shall fail to present it, a citation shall issue requiring him so to do, and such will shall be opened, read, proven, filed and recorded in the case, as are the wills of decedents.

Hearing—Dis-
tribution—
Bond of dis-
tributees.

SEC. 11.80.090 *Hearing — Distribution — Bond of Distributees.* If it shall appear to the satisfaction of the court upon the hearing of the application for provisional distribution that the absentee has been absent and his whereabouts unknown for the space of five years, or there are strong presumptions that he is dead, the court shall enter an order directing that the property in the hands of the trustee shall be provisionally distributed to the presumptive heirs, or to the devisees and legatees under the will, as the case may be, upon condition that such heirs, devisees and legatees respectively give and file in the court bonds with good and sufficient surety to be approved by the court, conditioned for the return of or accounting for the property provisionally distributed in case the absentee shall return and demand the same, which bonds shall be respectively in twice the amount of the value of the personal property distributed, and in ten times the amount of estimated an-

nual rents, issues and profits of any real property so provisionally distributed.

SEC. 11.80.100 *Final Distribution—Notice of Hearing—Decree.* Whenever the owner of such property shall have been absent from the county for a space of seven years and his whereabouts are unknown and cannot with reasonable diligence be ascertained, his presumptive heirs at law or the legatees and devisees under the will, as the case may be, to whom the property has been provisionally distributed, may apply to the court for a decree of final distribution of such property and satisfaction, discharge and exoneration of the bonds given upon provisional distribution. Notice of hearing of such application shall be given in the same manner as notice of hearing of application for the appointment of trustee and for provisional distribution and if at the final hearing it shall appear to the satisfaction of the court that the owner of the property has been absent and unheard of for the space of seven years and his whereabouts are unknown, the court shall exonerate the bonds given on provisional distribution and enter a decree of final distribution, distributing the property to the presumptive heirs at law of the absentee or to his devisees and legatees, as the case may be.

Final distribution—Notice of hearing—Decree.

SEC. 11.80.110 *Escheat for Want of Presumptive Heirs.* Whenever the owner of such property for which a trustee has been appointed under the provisions of this chapter shall have been absent and unheard of for a period of seven years and no presumptive heirs at law have appeared and applied for the provisional distribution of such property and no will of the absentee has been presented and proven, the trustee appointed under the provisions of the chapter shall apply to the court for a final settlement of his account and upon the settlement of such final account the property of the absentee shall be es-

Escheat for want of presumptive heirs.

cheated in the manner provided by law for escheating property of persons who die intestate leaving no heirs.

Chapter 11.84

INHERITANCE RIGHTS OF SLAYERS

Probate law and procedure. Inheritance rights of slayers. Definitions.

SEC. 11.84.010 *Definitions.* As used in this chapter:

(1) "Slayer" shall mean any person who participates, either as a principal or as an accessory before the fact, in the wilful and unlawful killing of any other person.

(2) "Decedent" shall mean any person whose life is so taken.

(3) "Property" shall include any real and personal property and any right or interest therein.

Slayer not to benefit from death.

SEC. 11.84.020 *Slayer Not to Benefit from Death.* No slayer shall in any way acquire any property or receive any benefit as the result of the death of the decedent, but such property shall pass as provided in the sections following.

Slayer deemed to predecease decedent.

SEC. 11.84.030 *Slayer Deemed to Predecease Decedent.* The slayer shall be deemed to have predeceased the decedent as to property which would have passed from the decedent or his estate to the slayer under the statutes of descent and distribution or have been acquired by statutory right as surviving spouse or under any agreement made with the decedent under the provisions of RCW 26.16.120 as it now exists or is hereafter amended.

Distribution of decedent's property.

SEC. 11.84.040 *Distribution of Decedent's Property.* Property which would have passed to or for the benefit of the slayer by devise or legacy from the decedent shall be distributed as if he had predeceased the decedent.

SEC. 11.84.050 *Distribution of Property Held Jointly With Slayer.* (1) One-half of any property held by the slayer and the decedent as joint tenants, joint owners or joint obligees shall pass upon the death of the decedent to his estate, and the other half shall pass to his estate upon the death of the slayer, unless the slayer obtains a separation or severance of the property or a decree granting partition.

Distribution of property held jointly with slayer.

(2) As to property held jointly by three or more persons, including the slayer and the decedent, any enrichment which would have accrued to the slayer as a result of the death of the decedent shall pass to the estate of the decedent. If the slayer becomes the final survivor, one-half of the property shall immediately pass to the estate of the decedent and the other half shall pass to his estate upon the death of the slayer, unless the slayer obtains a separation or severance of the property or a decree granting partition.

(3) The provisions of this section shall not affect any enforceable agreement between the parties or any trust arising because a greater proportion of the property has been contributed by one party than by the other.

SEC. 11.84.060 *Reversions and Vested Remainders.* Property in which the slayer holds a reversion or vested remainder and would have obtained the right of present possession upon the death of the decedent shall pass to the estate of the decedent during the period of the life expectancy of decedent; if he held the particular estate or if the particular estate is held by a third person it shall remain in his hands for such period.

Reversions and vested remainders.

SEC. 11.84.070 *Property Subject to Divestment, Etc.* Any interest in property whether vested or not, held by the slayer, subject to be divested, diminished in any way or extinguished, if the decedent survives

Property subject to divestment, etc.

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him or lives to a certain age, shall be held by the slayer during his lifetime or until the decedent would have reached such age, but shall then pass as if the decedent had died immediately thereafter.

Contingent
remainders
and future
interests.

SEC. 11.84.080 *Contingent Remainders and Future Interests.* As to any contingent remainder or executory or other future interest held by the slayer, subject to become vested in him or increased in any way for him upon the condition of the death of the decedent:

(1) If the interest would not have become vested or increased if he had predeceased the decedent, he shall be deemed to have so predeceased the decedent;

(2) In any case the interest shall not be vested or increased during the period of the life expectancy of the decedent.

Property
appointed—
Powers of
revocation or
appointment.

SEC. 11.84.090 *Property Appointed — Powers of Revocation or Appointment.* (1) Property appointed by the will of the decedent to or for the benefit of the slayer shall be distributed as if the slayer had predeceased the decedent.

(2) Property held either presently or in remainder by the slayer, subject to be divested by the exercise by the decedent of a power of revocation or a general power of appointment shall pass to the estate of the decedent, and property so held by the slayer, subject to be divested by the exercise by the decedent of a power of appointment to a particular person or persons or to a class of persons, shall pass to such person or persons, or in equal shares to the members of such class of persons, exclusive of the slayer.

Insurance
proceeds.

SEC. 11.84.100 *Insurance Proceeds.* (1) Insurance proceeds payable to the slayer as the beneficiary or assignee of any policy or certificate of insurance on the life of the decedent, or as the survivor of a joint life policy, shall be paid instead to the estate of

the decedent, unless the policy or certificate designate some person other than the slayer or his estate as secondary beneficiary to him and in which case such proceeds shall be paid to such secondary beneficiary in accordance with the applicable terms of the policy.

(2) If the decedent is beneficiary or assignee of any policy or certificate of insurance on the life of the slayer, the proceeds shall be paid to the estate of the decedent upon the death of the slayer, unless the policy names some person other than the slayer or his estate as secondary beneficiary, or unless the slayer by naming a new beneficiary or assigning the policy performs an act which would have deprived the decedent of his interest in the policy if he had been living.

SEC. 11.84.110 *Payment By Insurance Company, Bank, Etc.—No Additional Liability.* Any insurance company making payment according to the terms of its policy or any bank or other person performing an obligation for the slayer as one of several joint obligees shall not be subjected to additional liability by the terms of this chapter if such payment or performance is made without written notice, at its home office or at an individual's home or business address, of the killing by a slayer.

Payment by insurance company, bank, etc.—No additional liability.

SEC. 11.84.120 *Rights of Persons Without Notice Dealing With Slayer.* The provisions of this chapter shall not affect the rights of any person who, before the interests of the slayer have been adjudicated, purchases or has agreed to purchase, from the slayer for value and without notice property which the slayer would have acquired except for the terms of this chapter, but all proceeds received by the slayer from such sale shall be held by him in trust for the persons entitled to the property under the provisions of this chapter, and the slayer shall also be liable both for any portion of such proceeds which he may

Rights of persons without notice dealing with slayer.

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have dissipated and for any difference between the actual value of the property and the amount of such proceeds.

Record of conviction as evidence against claimant of property.

SEC. 11.84.130 *Record of Conviction as Evidence Against Claimant of Property.* The record of his conviction of having participated in the wilful and unlawful killing of the decedent shall be admissible in evidence against a claimant of property in any civil action arising under this chapter.

Chapter not to be construed as final.

SEC. 11.84.900 *Chapter Not to Be Construed as Penal.* This chapter shall not be considered penal in nature, but shall be construed broadly in order to effect the policy of this state that no person shall be allowed to profit by his own wrong, wherever committed.

Chapter 11.88

GUARDIANSHIP—APPOINTMENT, QUALIFICATION, REMOVAL OF GUARDIANS

Guardianship—Guardians. Authority to appoint.

SEC. 11.88.010 *Authority to Appoint.* The superior court of each county shall have power to appoint guardians for the persons and estates, or either thereof, of incompetent persons resident of the county, and guardians for the estates of all such persons who are nonresidents of the state but who have property in such county needing care and attention.

An "incompetent" is any person who is either

(1) Under the age of majority, as defined in RCW 11.92.010, or

(2) Incapable by reason of insanity, mental illness, imbecility, idiocy, senility, habitual drunkenness, excessive use of drugs, or other mental incapacity, of either managing his property or caring for himself or both.

Qualifications.

SEC. 11.88.020 *Qualifications.* Any suitable person over the age of twenty-one years, or any parent under the age of twenty-one years may, if not other-

wise disqualified, be appointed guardian of the person and/or the estate of an incompetent; any trust company regularly organized under the laws of this state and national banks when authorized so to do may act as guardian of the estate of an incompetent. No person is qualified to serve as a domiciliary guardian who is

(1) under twenty-one years of age except as otherwise provided herein;

(2) of unsound mind;

(3) convicted of a felony or of a misdemeanor involving moral turpitude;

(4) a nonresident of this state who has not appointed a resident agent to accept service of process in all actions or proceedings with respect to the estate and caused such appointment to be filed with the court;

(5) a corporation not authorized to act as a fiduciary in the state;

(6) a person whom the court finds unsuitable.

SEC. 11.88.030 *Petition—Contents.* Any interested person may file a petition for the appointment of himself or some other qualified person as guardian of an incompetent. Such petition shall state:

Petition—
Contents.

(1) The name, age, residence and post office address of the incompetent;

(2) The nature of his incapacity in accordance with RCW 11.88.010;

(3) The approximate value and description of his property, including any compensation, pension, insurance or allowance to which he may be entitled;

(4) Whether there is, in any state, a guardian for the person or estate of the incompetent;

(5) The residence and post office address of the person whom petitioner asks to be appointed guardian;

(6) The names and addresses, so far as known or can be reasonably ascertained, of the persons most

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closely related by blood or marriage to the incompetent;

(7) The name and address of the person or institution having the care and custody of the incompetent;

(8) The reason why the appointment of a guardian is sought and the interest of the petitioner in the appointment, and whether the appointment is sought as guardian of the person, the estate, or both.

Notice and
hearing, when
required—
Service.

SEC. 11.88.040 *Notice and Hearing, When Required—Service.* Before appointing a guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be given by registered or certified mail requesting a return receipt signed by the addressee only, or by personal service in the manner provided for services of summons, to the following:

(1) The incompetent or minor, if over fourteen years of age;

(2) A parent, if the incompetent is a minor, and the spouse of the incompetent, if any;

(3) Any other person who has been appointed as guardian, or the person having the care and custody of the incompetent, if any. No notice need be given to those persons named in subsections (2) and (3) of this section if they have signed the petition for the appointment of the guardian or have waived notice of the hearing. If the petition is by a parent asking for his appointment as guardian of a minor child under the age of fourteen years, or if the petition be accompanied by the written consent of a minor of the age of fourteen years or upward, consenting to the appointment of the guardian asked for, or if the petition be by a nonresident guardian of any minor, then the court may appoint the guardian without notice of the hearing. The court for good cause may reduce the number of days of notice, but in every

case, at least three days notice shall be given. It shall not be necessary that the person for whom guardianship is sought shall be represented by a guardian ad litem in the proceedings.

SEC. 11.88.080 *Testamentary Guardians.* When either parent is deceased, the surviving parent of any minor child may, by his last will in writing appoint a guardian or guardians of the person, or of the estate or both, of his minor child, whether born at the time of making such will or afterwards, to continue during the minority of such child, or for any less time, and every such testamentary guardian of the estate of such child shall give bond in like manner and with like conditions as required by RCW 11.88.100 and RCW 11.88.110, and he shall have the same powers and perform the same duties with regard to the person and estate of the minor as a guardian appointed as aforesaid. Testamentary guardians.

SEC. 11.88.090 *Guardian ad Litem.* Nothing contained in RCW 11.88.080 through 11.88.120, 11.92.010 through 11.92.040, 11.92.060 through 11.92.120, 11.92.170 and 11.92.180 shall affect or impair the power of any court to appoint a guardian to defend the interests of any incompetent person interested in any suit or matter pending therein, or to commence and prosecute any suit in his behalf. Guardian ad litem.

SEC. 11.88.100 *Oath and Bond of Guardian.* Before letters of guardianship are issued, each guardian shall take and subscribe an oath and, unless dispensed with by order of the court as provided in RCW 11.88.105, file a bond, with sureties to be approved by the court, payable to the state, in such sum as the court may fix, taking into account the character of the assets on hand or anticipated and the income to be received and disbursements to be made, and such bond shall be conditioned substantially as follows: Oath and bond of guardian.

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—Guardians.
Oath and
bond.

The condition of this obligation is such, that if the above bound A.B., who has been appointed guardian for C.D., shall faithfully discharge the office and trust of such guardian according to law and shall render a fair and just account of his guardianship to the superior court of the county of, from time to time as he shall thereto be required by such court, and comply with all orders of the court, lawfully made, relative to the goods, chattels, moneys, care, management, and education of such incompetent person, or his or her property, and render and pay to such incompetent person all moneys, goods, chattels, title papers, and effects which may come into the hands or possession of such guardian, at such time and in such manner as the court may order or adjudge, then this obligation shall be void, otherwise to be and remain in full force and effect.

The bond shall be for the use of the incompetent person, and shall not become void upon the first recovery, but may be put in suit from time to time against all or any one of the obligors, in the name and for the use and benefit of any person entitled by the breach thereof, until the whole penalty is recovered thereon. The court may require an additional bond whenever for any reason it appears to the court that an additional bond should be given.

Reduction in
amount of
bond.

SEC. 11.88.105 *Reduction in Amount of Bond.* In cases where all or a portion of the estate consisting of cash or securities or both, has been placed in possession of savings and loan associations or banks, trust companies, escrow corporations, or other corporations approved by the court and a receipt is filed by the guardian in court therefor stating that such corporations hold the same subject to order of court then in such case the court may in its discretion dispense with the giving of a bond or reduce the same by the amount of such deposits of cash

or securities, and may order that no further reports by said guardian be required until such time as the guardian desires to withdraw such funds or change the investment thereof.

SEC. 11.88.107 *When Bond May Be Dispensed With.* In all cases where a bank or trust company, authorized to act as guardian, is appointed as guardian, or acts as guardian under an appointment as such heretofore made, no bond shall be required.

When bond may be dispensed with.

SEC. 11.88.110 *Law on Executors' and Administrators' Bonds Applicable.* All the provisions of this title relative to bonds given by executors and administrators shall apply to bonds given by guardians.

Law on executors' and administrators' bonds applicable.

SEC. 11.88.120 *Procedure on Removal or Death of Guardian—Delivery of Estate to Successor.* The court in all cases shall have power to remove guardians for good and sufficient reasons, which shall be entered of record, and to appoint others in their place or in the place of those who may die, who shall give bond and security for the faithful discharge of their duties as prescribed in RCW 11.88.100; and when any guardian shall be removed or die, and a successor be appointed, the court shall have power to compel such guardian removed to deliver up to such successor all goods, chattels, moneys, title papers, or other effects belonging to such incompetent person, which may be in the possession of such guardian so removed, or of the personal representatives of a deceased guardian, or in the possession of any other person or persons, and upon failure, to commit the party offending to prison, until he complies with the order of the court.

Procedure on removal or death of guardian—Delivery of estate to successor.

SEC. 11.88.130 *Transfer of Jurisdiction and Venue.* The court of any county having jurisdiction of any guardianship proceeding is authorized to transfer jurisdiction and venue of the guardianship

Transfers of jurisdiction and venue.

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and procedure.
Guardianship
—Guardians.

proceeding to the court of any other county of the state upon application of the guardian and such notice to an incompetent or other interested party as the court may require. Such transfers of guardianship proceedings shall be made to the court of a county wherein either the guardian or incompetent resides, as the court may deem appropriate, at the time of making application for such transfer. The original order providing for any such transfer shall be retained as a permanent record by the clerk of the court in which such order is entered, and a certified copy thereof together with the original file in such guardianship proceeding and a certified transcript of all record entries up to and including the order for such change shall be transmitted to the clerk of the court to which such proceeding is transferred.

Termination of
guardianship.

SEC. 11.88.140 *Termination of Guardianship.* (1) Termination without court order. A guardianship is terminated

(a) Upon the attainment of full and legal age, as defined in RCW 11.92.010, of any person defined as an incompetent pursuant to RCW 11.88.010 solely by reason of youth, RCW 26.28.020 to the contrary notwithstanding.

(b) By an adjudication of competency.

(c) By the death of the incompetent.

(2) Termination on court order. A guardianship may be terminated by court order after such notice as the court may require

(a) If the guardianship is of the estate and the estate is exhausted;

(b) If the guardianship is no longer necessary for any other reason.

(3) Effect of termination. When a guardianship terminates otherwise than by the death of the incompetent, the powers of the guardian cease, except that a guardian of the estate may make disburse-

ments for claims that are or may be allowed by the court, for liabilities already properly incurred for the estate or for the incompetent, and for expenses of administration. When a guardianship terminates by death of the incompetent, the guardian of the estate may proceed under RCW 11.88.150, but the rights of all creditors against the incompetent's estate shall be determined by the law of decedents' estates.

SEC. 11.88.150 *Administration of Deceased Incompetent's Estate.* Upon the death of an incompetent intestate the guardian of his estate has power under the letters issued to him and subject to the direction of the court to administer the estate as the estate of the deceased incompetent without further letters unless within forty days after death of the incompetent a petition is filed for letters of administration or for letters testamentary and the petition is granted. If the guardian elects to administer the estate under his letters of guardianship, he shall petition the court for an order transferring the guardianship proceeding to a probate proceeding, and upon court approval, the clerk of the court shall re-index the cause as a decedent's estate, using the same file number which is assigned to the guardianship proceeding. The guardian shall then be authorized to continue administration of the estate without the necessity for any further petition or hearing. Notice to creditors and other persons interested in the estate shall be published and may be combined with the notice of the guardian's final account. This notice shall be published in the manner provided in RCW 11.40.010, once each week for three successive weeks, with proof by affidavit of the publication of such notice to be filed with the court. All claims which are not filed within four months after first publication shall be barred against the estate. Upon the hearing, the account may be allowed and the

Administra-
tion of
deceased in-
competent's
estate.

Probate law and procedure. Guardianship—Guardians. Administration of deceased incompetent's estate.

balance distributed to the persons entitled thereto, after the payment of such claims as may be allowed. Liability on the guardian's bond shall continue until exonerated on settlement of his account, and may apply to the complete administration of the estate of the deceased incompetent with the consent of the surety. If letters of administration or letters testamentary are granted upon petition filed within forty days after the death of the incompetent, the personal representative shall supersede the guardian in the administration of the estate and the estate shall be administered as a decedent's estate as provided in this title, including the publication of notice to creditors and other interested persons and the barring of creditors claims.

Chapter 11.92

GUARDIANSHIP—POWERS AND DUTIES OF GUARDIAN

Guardians under court control—Legal age.

SEC. 11.92.010 *Guardians Under Court Control. Legal Age.* Guardians herein provided for shall at all times be under the general direction and control of the court making the appointment. For the purposes of chapters 11.88 and 11.92 RCW, all persons shall be of full and legal age when they shall be twenty-one years old.

Claims.

SEC. 11.92.035 *Claims.* (1) Duty of guardian to pay. A guardian of the estate is under a duty to pay from the estate all just claims against the estate of his incompetent, whether they constitute liabilities of the incompetent which arose prior to the guardianship or liabilities properly incurred by the guardian for the benefit of the incompetent or his estate and whether arising in contract or in tort or otherwise, upon allowance of the claim by the court or upon approval of the court in a settlement of the guardian's accounts. The duty of the guardian to pay from the estate shall not preclude his personal liability for his

own contracts and acts made and performed on behalf of the estate as it exists according to the common law. If it appears that the estate is likely to be exhausted before all existing claims are paid, preference shall be given to prior claims for the care, maintenance and education of the incompetent and of his dependents and existing claims for expenses of administration over other claims.

(2) Claims may be presented. Any person having a claim against the estate of an incompetent, or against the guardian of his estate as such, may file a written claim with the court for determination at any time before it is barred by the statute of limitations, and, upon proof thereof, procure an order for its allowance and payment from the estate. Any action against the guardian of the estate as such shall be deemed a claim duly filed.

SEC. 11.92.040 *Duties of Guardian in General.* It shall be the duty of the guardian

Duties of
guardian in
general.

(1) To make out and file within three months after his appointment a verified inventory of all the property of the incompetent which shall come to his possession or knowledge, including a statement of all encumbrances, liens, and other secured charges on any item.

(2) Unless otherwise directed by the court, to file with the court annually within thirty days after the anniversary date of his appointment, and also within thirty days after termination of his appointment, a written verified account of his administration.

(3) If he is a guardian of the person, to care for and maintain the incompetent, and if the incompetent is a minor, to see that the incompetent is properly trained and educated and that the incompetent has the opportunity to learn a trade, occupation or profession. The guardian of the person may be required to report the condition of his incompetent to the

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guardian in
general.

court, at regular intervals or otherwise as the court may direct.

(4) If he is a guardian of the estate, to protect and preserve it, to apply it as provided in this chapter, to account for it faithfully, to perform all of the duties required of him by law, and at the termination of the guardianship, to deliver the assets of the incompetent to the persons entitled thereto. Except as provided to the contrary herein, the court may authorize a guardian to do anything that a trustee can do under the provisions of RCW 30.99.070 for periods not exceeding one year from the date of the order.

(5) To invest and reinvest the property of the incompetent in accordance with the rules applicable to investment of trust estates by trustees as provided in chapter 30.24 RCW, except that:

(a) No investments shall be made without prior order of the court in any property other than unconditional interest bearing obligations of this state or of the United States and in obligations the interest and principal of which are unconditionally guaranteed by the United States, and in share accounts or deposits which are insured by an agency of the United States government. Such prior order of the court may authorize specific investments, or, in the discretion of the court, may authorize the guardian during a period of not exceeding one year following the date of the order to invest and reinvest as provided in chapter 30.24 RCW without further order of the court.

(b) If it is for the best interests of the incompetent that a specific property be used by the incompetent rather than sold and the proceeds invested, the court may so order.

(6) To apply to the court for an order authorizing any disbursement on behalf of the incompetent; provided, however, that the guardian of the estate, or

the person, department, bureau, agency or charitable organization having the care and custody of an incompetent, may apply to the court for an order directing the guardian of the estate to pay to the person, department, bureau, agency or charitable organization having the care and custody of an incompetent, or if the guardian of the estate has the care and custody of the incompetent, directing the guardian of the estate to apply an amount weekly, monthly, quarterly, semi-annually or annually, as the court may direct, to be expended in the care, maintenance and education of the incompetent and of his dependents. In proper cases, the court may order payment of amounts directly to the incompetent for his maintenance or incidental expenses. The amounts authorized under this section may be decreased or increased from time to time by direction of the court. If payments are made to another under such order of the court, the guardian of the estate is not bound to see to the application thereof.

SEC. 11.92.050 *Intermediate Accounts—Hearing—Order.* Upon the filing of any intermediate guardianship account required by statute, or of any intermediate account required by court rule or order, the guardian may petition the court for an order settling his account with regard to any and all receipts, expenditures and investments made and acts done by the guardian to the date of said interim report. Upon such petition being filed, the court may in its discretion, where the size or condition of the estate warrants it, set a date for the hearing of such petition and require the service of the petition and a notice of such hearing as provided in RCW 11.88.040; and, in the event such a hearing be ordered, the court shall also appoint a guardian ad litem, whose duty it shall be to investigate the report of the guardian of the estate and to advise the court thereon at said hearing, in writing. At such hearing on said report of the

Intermediate
accounts—
Hearing—
Order.

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Powers, duties
of guardian.

guardian, if the court be satisfied that the actions of the guardian have been proper, and that the guardian has in all respects discharged his trust with relation to such receipts, expenditures, investments, and acts, then, in such event, the court shall enter an order approving such account, and such order shall be final and binding upon the incompetent, subject only to the right of appeal as upon a final order; provided that at the time of final account of said guardian or within one year after said incompetent attains his majority any such interim account may be challenged by said incompetent on the ground of fraud.

Settlement of
estate upon
termination
other than by
death
intestate.

SEC. 11.92.053 *Settlement of Estate Upon Termination Other Than by Death Intestate.* Within ninety days after the termination of a guardianship for any reason other than the death of the incompetent intestate, the guardian of the estate shall petition the court for an order settling his account as filed in accordance with RCW 11.92.040 (2) with regard to any and all receipts, expenditures and investments made and acts done by the guardian to the date of said termination. Upon such petition being filed, the court shall set a date for the hearing of such petition after notice has been given in accordance with RCW 11.88-.040. Any person interested may file objections to such petition or may appear at the time and place fixed for the hearing thereof and present his objections thereto. The court may take such testimony as it deems proper or necessary to determine whether an order settling the account should be issued and the transactions of the guardian be approved.

At such hearing on said petition of the guardian, if the court be satisfied that the actions of the guardian have been proper, and that the guardian has in all respects discharged his trust with relation to such receipts, expenditures, investments, and acts, then, in such event, the court shall enter an order approv-

ing such account, and such order shall be final and binding upon the incompetent, subject only to the right of appeal as upon a final order: *Provided*, That within one year after said incompetent attains his majority any such account may be challenged by said incompetent on the ground of fraud.

SEC. 11.92.056 *Citation of Surety on Bond*. If, at any hearing upon a petition to settle the account of any guardian, it shall appear to the court that said guardian has not fully accounted or that said account should not be settled, the court may continue said hearing to a day certain and may cite the surety or sureties upon the bond of said guardian to appear upon the date fixed in said citation and show cause why the account should not be disapproved and judgment entered for any deficiency against said guardian and the surety or sureties upon his or her bond. Said citation shall be personally served upon said surety or sureties in the manner provided by law for the service of summons in civil actions and shall be served not less than twenty days previous to said hearing. At said hearing any interested party, including the surety so cited, shall have the right to introduce any evidence which shall be material to the matter before the court. If, at said hearing, the final account of said guardian shall not be approved and the court shall find that said guardian is indebted to the incompetent in any amount, said court may thereupon enter final judgment against said guardian and the surety or sureties upon his or her bond, which judgment shall be enforceable in the same manner and to the same extent as judgments in ordinary civil actions.

Citation of
surety on
bond.

SEC. 11.92.060 *Guardian to Represent Incompetent—Compromise of Claims*. (1) Guardian may sue and be sued. When there is a guardian of the estate, all actions between the incompetent or the

Guardian to
represent in-
competent—
Compromise
of claims.

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Powers, duties.
Representing
incompetent—
Compromise of
claims.

guardian and third persons in which it is sought to charge or benefit the estate of the incompetent shall be prosecuted by or against the guardian of the estate as such. He shall represent the interests of the incompetent in the action and all process shall be served on him.

(2) Joinder, amendment and substitution. When the guardian of the estate is under personal liability for his own contracts and acts made and performed on behalf of the estate he may be sued both as guardian and in his personal capacity in the same action. Misnomer or the bringing of the action by or against the incompetent shall not be grounds for dismissal of the action and leave to amend or substitute shall be freely granted. If an action was commenced by or against the incompetent before the appointment of a guardian of his estate, such guardian when appointed may be substituted as a party for the incompetent. If the appointment of the guardian of the estate is terminated, his successor may be substituted; if the incompetent dies, his personal representative may be substituted; if the incompetent becomes competent, he may be substituted.

(3) Garnishment, attachment and execution. When there is a guardian of the estate, the property and rights of action of the incompetent shall not be subject to garnishment or attachment, except for the foreclosure of a mortgage or other lien, and execution shall not issue to obtain satisfaction of any judgment against the incompetent or the guardian of his estate as such.

(4) Compromise by guardian. Whenever it is proposed to compromise or settle any claim by or against the incompetent or the guardian as such, whether arising as a result of personal injury or otherwise, and whether arising before or after appointment of a guardian, the court on petition of the guardian of the estate, if satisfied that such compro-

mise or settlement will be for the best interests of the incompetent, may enter an order authorizing the settlement or compromise to be made.

SEC. 11.92.090 *Sale, Exchange, Lease, or Mortgage of Property.* Whenever it shall appear to the satisfaction of a court by the petition of any guardian, that it is necessary or proper to sell, exchange, lease, mortgage, or grant an easement, license or similar interest in any of the real or personal property of the estate of such incompetent for the purpose of paying debts or for the care, support and education of such incompetent, or to redeem any property of such incompetent's estate covered by mortgage or other lien, or for the purpose of making any investments, or for any other purpose which to the court may seem right and proper, the court may make an order directing such sale, exchange, lease, mortgage, or grant of easement, license or similar interest of such part or parts of the real or personal property as shall to the court seem proper.

Sale, exchange, lease or mortgage of property.

SEC. 11.92.100 *Petition—Contents.* Such application shall be by petition, verified by the oath of the guardian, and shall substantially set forth:

Petition—Contents.

(1) The value and character of all personal estate belonging to such incompetent that has come to the knowledge or possession of such guardian.

(2) The disposition of such personal estate.

(3) The amount and condition of the incompetent's personal estate, if any, dependent upon the settlement of any estate, or the execution of any trust.

(4) The annual income of the real estate of the incompetent.

(5) The amount of rent received and the application thereof.

(6) The proposed manner of reinvesting the proceeds of the sale, if asked for that purpose.

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duties.

(7) Each item of indebtedness, or the amount and character of the lien, if the sale is prayed for the liquidation thereof.

(8) The age of the incompetent, where and with whom residing.

(9) All other facts connected with the estate and condition of the incompetent necessary to enable the court to fully understand the same. If there is no personal estate belonging to such incompetent in possession or expectancy, and none has come into the hands of such guardian, and no rents have been received, the fact shall be stated in the application.

Law govern-
ing sales of
real estate.

SEC. 11.92.110 *Law Governing Sales of Real Estate.* The order directing the sale of any of the real property of the estate of such incompetent shall specify the particular property affected and the method, whether by public or private sale or by negotiation, and terms thereof, and with regard to the procedure and notices to be employed in conducting such sale, the provisions of RCW 11.56.060, 11.56.070, 11.56.080, and 11.56.110 shall be followed unless the court otherwise directs.

Return and
confirmation
of sale.

SEC. 11.92.115 *Return and Confirmation of Sale.* The guardian making any sale of real estate, either at public or private sale or sale by negotiation, shall within ten days after making such sale file with the clerk of the court his return of such sale, the same being duly verified. At any time after the expiration of ten days from the filing of such return, the court may, without notice, approve and confirm such sale and direct proper instruments of transfer to be executed and delivered. Upon the confirmation of any such sale, the court shall direct the guardian to make, execute and deliver instruments conveying the title to the person to whom such property may be sold and such instruments of conveyance shall be deemed to convey all the estate, rights and interest of the in-

competent and of his estate. In the case of a sale by negotiation the guardian shall publish a notice in one issue of a legal newspaper published in the county in which the estate is being administered; the substance of such notice shall include the legal description of the property sold, the selling price and the date after which the sale may be confirmed: *Provided*, That such confirmation date shall be at least ten days after such notice is published.

SEC. 11.92.120 *Confirmation Conclusive*. No sale by any guardian of real or personal property shall be void or be set aside or be attacked because of any irregularities whatsoever, and none of the steps leading up to such sale or the confirmation thereof shall be jurisdictional, and the confirmation by the court of any such sale shall be conclusive as to the regularity and legality of such sale or sales, and the passing of title after confirmation by the court shall vest an absolute title in the purchaser, and such instrument of transfer may not be attacked for any purpose or any reason, except for fraud.

Confirmation conclusive.

SEC. 11.92.125 *Broker's Fee and Closing Expenses—Sale, Exchange, Mortgage or Lease of Real Estate*. In connection with the sale, exchange, mortgage, lease or grant of easement or license in any property, the court may authorize the personal representative to pay, out of the proceeds realized therefrom or out of the estate, the customary and reasonable auctioneer's and broker's fees and any necessary expenses for abstracting title insurance, survey, revenue stamps and other necessary costs and expenses in connection therewith.

Broker's fee and closing expenses—Sale, exchange, mortgage or lease of real estate.

SEC. 11.92.130 *Performance of Contracts*. If any person who is bound by contract in writing to perform shall become incompetent before making the performance, the court having jurisdiction of the guardianship of such property may, upon applica-

Performance of contracts.

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tion of the guardian of such incompetent person, or upon application of the person claiming to be entitled to the performance, make an order authorizing and directing the guardian to perform such contract. The application and the proceedings, shall, as nearly as may be, be the same as provided in chapter 11-.60 RCW.

Request for
special notice
of proceedings.

SEC. 11.92.150 *Request for Special Notice of Proceedings.* At any time after the issuance of letters of guardianship in the estate of any incompetent person, any person interested in said estate, or in such incompetent person, or any relative of such incompetent person, or any authorized representative of any agency, bureau, or department of the United States government from or through which any compensation, insurance, pension or other benefit is being paid, or is payable, may serve upon such guardian, or upon the attorney for such guardian, and file with the clerk of the court wherein the administration of such guardianship estate is pending, a written request stating that special written notice is desired of any or all of the following matters, steps or proceedings in the administration of such estate:

(1) Filing of petition for sales, exchanges, leases, mortgages, or grants of easements, licenses or similar interests in any property of the estate.

(2) Filing of all intermediate or final accountings or accountings of any nature whatsoever.

(3) Petitions by the guardian for family allowances or allowances for the incompetent or any other allowance of every nature from the funds of the estate.

(4) Petitions for the investment of the funds of the estate.

Such request for special written notice shall designate the name, address and post office address of the person upon whom such notice is to be served and no service shall be required under this section and

RCW 11.92.160 other than in accordance with such designation unless and until a new designation shall have been made.

When any account, petition, or proceeding is filed in such estate of which special written notice is requested as herein provided, the court shall fix a time for hearing thereon which shall allow at least ten days for service of such notice before such hearing; and notice of such hearing shall be served upon the person designated in such written request at least ten days before the date fixed for such hearing. The service may be made by leaving a copy with the person designated, or his authorized representative, or by mailing through the United States mail, with postage prepaid to the person and place designated.

SEC. 11.92.160 *Citation for Failure to File Account or Report.* Whenever any request for special written notice is served as provided in this section and RCW 11.92.150, the person making such request may, upon failure of any guardian for any incompetent person, to file any account or report required by law, petition the court administering such estate for a citation requiring such guardian to file such report or account, or to show cause for failure to do so, and thereupon the court shall issue such citation and hold a hearing thereon and enter such order as is required by the law and the facts.

Citation for failure to file account or report.

SEC. 11.92.170 *Removal of Property of Nonresident Incompetent.* Whenever it is made to appear that it would be in the best interests of the incompetent, the court may order the transfer of property in this state to a guardian of the estate of the incompetent appointed in another jurisdiction.

Removal of property of nonresident incompetent.

SEC. 11.92.180 *Compensation and Expenses of Guardian—Attorney's Fee.* A guardian shall be allowed such compensation for his services as guardian as the court shall deem just and reasonable. Addi-

Compensation and expenses of guardian—Attorney's fee.

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tional compensation may be allowed for his necessary services as attorney and for other necessary services not required of a guardian. He may also be allowed compensation for necessary expenses in the administration of his trust, including reasonable attorney's fees if the employment of an attorney for the particular purpose is necessary. In all cases, compensation of the guardian and his expenses including attorney's fees shall be fixed by the court and may be allowed at any annual or final accounting; but at any time during the administration of the estate, the guardian or his attorney may apply to the court for an allowance upon the compensation or necessary expenses of the guardian and for attorney's fees for services already performed. If the court finds that the guardian has failed to discharge his duties as such in any respect, it may deny him any compensation whatsoever or may reduce the compensation which would otherwise be allowed.

Concealed or embezzled property—Proceedings for discovery.

SEC. 11.92.185 *Concealed or Embezzled Property—Proceedings for Discovery.* The court shall have authority to bring before it, in the manner prescribed by RCW 11.48.070, any person or persons suspected of having in his possession or having concealed, embezzled, conveyed or disposed of any of the property of the estate of incompetents subject to administration under this title.

Chapter 11.96

APPEALS

Appeals to supreme court.

SEC. 11.96.010 *Appeals to Supreme Court.* Any interested party may appeal to the supreme court from any final order, judgment or decree of the court, and such appeals shall be in the manner and way provided by law for appeals in civil actions.

Chapter 11.98
TRUSTS

SEC. 11.98.010 *Violation of Rule Against Perpetuities by Instrument—Periods During Which Trust Not Invalid.* If any provision of an instrument creating a trust shall violate the rule against perpetuities, neither such provision nor any other provisions of the trust shall thereby be rendered invalid during any of the following periods:

Trusts.
Violation of
rule against
perpetuities by
instruments—
Periods during
which trust
not invalid.

(1) The twenty-one years following the effective date of the instrument.

(2) The period measured by any life or lives in being or conceived at the effective date of the instrument if by the terms of the instrument the trust is to continue for such life or lives.

(3) The period measured by any portion of any life or lives in being or conceived at the effective date of the instrument if by the terms of the instrument the trust is to continue for such portion of such life or lives; and

(4) The twenty-one years following the expiration of the periods specified in (2) and (3) above.

SEC. 11.98.020 *Distribution of Assets and Vesting of Interest During Period Trust Not Invalid.* If, during any period in which an instrument creating a trust or any provision thereof is not to be rendered invalid by the rule against perpetuities, any of the trust assets should by the terms of the instrument become distributable or any beneficial interest therein should by the terms of the instrument become vested, such assets shall be distributed and such beneficial interest shall validly vest in accordance with the instrument.

Distribution of
assets and
vesting of
interest during
period trust
not invalid.

SEC. 11.98.030 *Distribution of Assets at Expiration of Period.* If, at the expiration of any period in which an instrument creating a trust or any provision thereof is not to be rendered invalid by the rule

Distribution of
assets at
expiration of
period.

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against perpetuities, any of the trust assets have not by the terms of the trust instrument become distributable or vested, then such assets shall be then distributed as the superior court having jurisdiction shall direct, giving effect to the general intent of the creator of the trust.

Effective date of creation of trust.

SEC. 11.98.040 *Effective Date of Creation of Trust.* For the purposes of this chapter the effective date of an instrument purporting to create an irrevocable inter vivos trust shall be its date of delivery, and the effective date of an instrument purporting to create either a revocable inter vivos trust or a testamentary trust shall be the date of the trustor's or testator's death.

Application of chapter.

SEC. 11.98.050 *Application of Chapter.* The provisions hereof shall be applicable to any instrument purporting to create a trust which has an effective date subsequent to the effective date of this chapter.

Chapter 11.99
CONSTRUCTION

Effective date of title.

SEC. 11.99.010 *Effective Date of Title.* This title shall take effect and be in force on and after the first day of July, 1967; except that sections 11.44.055, 11.44.065, 11.44.070 and 11.44.080 shall take effect on July 1, 1965, and the repeal of the following acts or parts of acts as listed in section 11.99.015 shall also take effect on July 1, 1965, to wit: In subsection (10), section 1444, Code of 1881; in subsection (47), section 95, chapter 156, Laws of 1917; in subsection (48), section 1, chapter 23, Laws of 1919; in subsection (64), section 1, chapter 112, Laws of 1929, in subsection (66), section 123, chapter 180, Laws of 1935; in subsection (71), section 8, chapter 202, Laws of 1939; and in subsection (111), section 83.16.040, chapter 15, Laws of 1961. Except as above provided the procedures herein prescribed shall govern all pro-

ceedings in probate brought after the effective date of the title and, also, all further procedure and proceedings in probate then pending, except to the extent that in the opinion of the court their application in particular proceedings or part thereof would not be feasible or would work injustice, in which event the former procedure shall apply.

SEC. 11.99.013 *Title, Chapter, Section Headings Not Part of Law.* Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law. Title, chapter, section headings, not law.

SEC. 11.99.015 *Repeal.* The following acts or parts of acts are repealed: Repeal.

(1) Sections 1 and 2, page 53, Laws of 1875 entitled AN ACT In relation to the duties of probate judges.

(2) Sections 1 through 18, pages 53 through 59, Laws of 1875.

(3) Section 1, page 127, Laws of 1875.

(4) Sections 626 through 637, chapter 49, page 130, Laws of 1877.

(5) Sections 721 through 729, chapter LVIII, page 145, Laws of 1877.

(6) Sections 1 and 2, page 284, Laws of 1877.

(7) Sections 12 and 13, pages 78 and 79, Laws of 1879.

(8) Sections 623 through 634, chapter LII, Code of 1881.

(9) Sections 717 through 724, chapter LXI, Code of 1881.

(10) Sections 1297 through 1666, chapter XCV through CXI, Code of 1881.

(11) Sections 1667 through 1670, chapter CXII, Code of 1881.

(12) Sections 1678 through 1680, chapter CXIV, Code of 1881.

Probate law
and procedure.
Repeal.

(13) Sections 1681 through 1686, chapter CXV, Laws of 1881.

(14) Section 2138, chapter CLV, Code of 1881.

(15) Sections 2411, 2412 and 2414, chapter CLXXXIII, Laws of 1881.

(16) Sections 3302 through 3315, chapter CCLIII, Laws of 1881.

(17) Sections 3316 and 3317, chapter CCLIV, Code of 1881.

(18) Section 1, page 29, Laws of 1883.

(19) Sections 1 through 4, page 57, Laws of 1883.

(20) Sections 1 through 3, page 165, Laws of 1885 entitled AN ACT To abolish the right of survivorship in estates held in joint tenancy.

(21) Sections 1 through 3, pages 170 and 177, Laws of 1885.

(22) Chapter 99, page 185, Laws of 1887.

(23) Chapter 100, page 186, Laws of 1887.

(24) Chapter 101, page 187, Laws of 1887.

(25) Sections 2 and 3, page 82, Laws of 1889.

(26) Sections 14 and 15, chapter 54, Laws of 1891.

(27) Chapter 86, Laws of 1891.

(28) Sections 1 through 49, chapter 155, Laws of 1891.

(29) Chapter 32, Laws of 1893.

(30) Chapter 54, Laws of 1893.

(31) Sections 1 through 9, chapter 120, Laws of 1893.

(32) Chapter 42, Laws of 1895.

(33) Chapter 105, Laws of 1895.

(34) Chapter 157, Laws of 1895.

(35) Chapter 22, Laws of 1897.

(36) Chapter 25, Laws of 1897.

(37) Chapter 75, Laws of 1897.

(38) Chapter 98, Laws of 1897.

(39) Chapter 100, Laws of 1903.

(40) Chapter 130, Laws of 1903.

(41) Chapter 17, Laws of 1905.

- (42) Chapter 50, Laws of 1907.
- (43) Chapter 133, Laws of 1907.
- (44) Chapter 118, Laws of 1909.
- (45) Chapter 8, Laws of 1911.
- (46) Chapter 39, Laws of 1915.
- (47) Sections 1, 3 through 56, 58 through 71, and
73 through 221, chapter 156, Laws of 1917.
- (48) Chapter 23, Laws of 1919.
- (49) Chapter 31, Laws of 1919.
- (50) Chapter 197, Laws of 1919.
- (51) Chapter 93, Laws of 1921.
- (52) Section 1, chapter 72, Laws of 1923.
- (53) Chapter 113, Laws of 1923.
- (54) Chapter 142, Laws of 1923.
- (55) Chapter 80, Laws of 1925 extraordinary
session.
- (56) Chapter 104, Laws of 1925 extraordinary
session.
- (57) Chapter 76, Laws of 1927.
- (58) Chapter 91, Laws of 1927.
- (59) Chapter 104, Laws of 1927.
- (60) Chapter 160, Laws of 1927.
- (61) Sections 1 through 3, chapter 170, Laws of
1927.
- (62) Section 1, chapter 185, Laws of 1927.
- (63) Section 1, chapter 21, Laws of 1929.
- (64) Chapter 112, Laws of 1929.
- (65) Chapter 218, Laws of 1929.
- (66) Section 123, chapter 180, Laws of 1935.
- (67) Chapter 28, Laws of 1937.
- (68) Chapter 151, Laws of 1937.
- (69) Chapter 26, Laws of 1939.
- (70) Chapter 132, Laws of 1939.
- (71) Section 8, chapter 202, Laws of 1939.
- (72) Sections 1 and 2, chapter 206, Laws of 1941.
- (73) Chapter 83, Laws of 1941.
- (74) Chapter 14, Laws of 1943.
- (75) Chapter 29, Laws of 1943.

Probate law
and procedure.
Repeal.

- (76) Chapter 113, Laws of 1943.
- (77) Chapter 193, Laws of 1943.
- (78) Chapter 219, Laws of 1943.
- (79) Chapter 39, Laws of 1945.
- (80) Chapter 41, Laws of 1945.
- (81) Chapter 72, Laws of 1945.
- (82) Chapter 197, Laws of 1945.
- (83) Chapter 198, Laws of 1945.
- (84) Chapter 44, Laws of 1947.
- (85) Chapter 54, Laws of 1947.
- (86) Chapter 145, Laws of 1947.
- (87) Chapter 11, Laws of 1949.
- (88) Chapter 102, Laws of 1949.
- (89) Sections 1 through 3, chapter 138, Laws of 1951.
- (90) Sections 1 through 6, chapter 197, Laws of 1951.
- (91) Chapter 242, Laws of 1951.
- (92) Chapter 264, Laws of 1951.
- (93) Section 2, chapter 270, Laws of 1953.
- (94) Chapter 45, Laws of 1955.
- (95) Chapter 98, Laws of 1955.
- (96) Chapter 141, Laws of 1955.
- (97) Chapter 154, Laws of 1955.
- (98) Chapter 205, Laws of 1955.
- (99) Chapter 254, Laws of 1955.
- (100) Chapter 7, Laws of 1955 extraordinary session.
- (101) Chapter 64, Laws of 1957.
- (102) Chapter 125, Laws of 1957.
- (103) Chapter 43, Laws of 1959.
- (104) Chapter 116, Laws of 1959.
- (105) Chapter 146, Laws of 1959.
- (106) Chapter 240, Laws of 1959.
- (107) Chapter 155, Laws of 1961.
- (108) Chapter 43, Laws of 1963.
- (109) Chapter 46, Laws of 1963.

(110) Chapter 185, Laws of 1963.

(111) Section 83.16.040, chapter 15, Laws of 1961.

SEC. 11.99.020 *Savings Clause—Rights Not Affected*. No act done in any proceeding commenced before this title takes effect and no accrued right shall be impaired by its provisions. When a right is acquired, extinguished or barred upon the expiration of a prescribed period of time which has commenced to run by the provisions of any statute in force before this title takes effect, such provisions shall remain in force and be deemed a part of this code with respect to such right. Savings clause
—Rights not
affected.

SEC. 11.99.030 *Severability*. If any provisions of this title or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the title which can be given effect without the invalid provision or application, and, to this end, provisions of this title are declared to be severable. Severability.

Passed the Senate March 11, 1965.

Passed the House March 11, 1965.

Approved by the Governor March 20, 1965, with the exception of a certain item in section 11.04.015 which was vetoed.

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

Veto message.

"This bill culminates three years of work by the Washington State Bar Association to modernize the state probate code. Its enactment will eliminate unnecessary expense in the administration of estates, accelerate the settlement of decedent's estates, and liberalize the administration of small estates.

"I am particularly pleased that the legislature chose to use this bill as a vehicle for the removal of appraisals of decedent's property from the area of political patronage. This provision of the bill will greatly assist in my desire to create confidence of the people of our state in clean government, and will reduce unnecessary expense to the survivors of a decedent

"The section of the bill numbered RCW 11.04.015 (1) (a) originally provided that if a person died without a will, the surviving spouse would receive all the net community estate. This section was amended by the legislature to provide that in certain situations the surviving spouse would receive only three-quarters of the net community estate.

"The effect of this amendment is as follows:

Probate law and procedure. Veto message.

- "1. If a person dies, leaving no children, one-half of the community property passes to the parents rather than the surviving spouse.
- "2. If no parents or children survive the decedent, one-half of the community property passes to brothers and sisters rather than the surviving spouse.
- "3. If no children, parents, or collateral heirs survive the decedent, one-half the community estate will escheat to the state.

"This unintended effect would obviously defeat the entire purpose of enactment of a new probate code. To allow it to remain in the law during the next two years, even though the new code will not become effective, would be a disservice to the legislature. I have therefore vetoed the following language of section 11.04.015 (1) (a):

"If the intestate is survived by issue or by either parent, three-fourths of'

"The section will therefore read:

"(1) Share of surviving spouse. The surviving spouse shall receive the following share:

"(a) The net community estate; and'

"I urge that the legislature reenact this language at the next session of the legislature to insure that it accurately expresses their intent.

"The remainder of Senate Bill 6 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 146.

[House Bill No. 74.]

WALLACE FALLS STATE PARK.

AN ACT relating to state parks and recreation; establishing Wallace Falls State Park; and providing for the acquisition of certain lands for park purposes.

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

Wallace Falls State Park. Created.

SECTION 1. There is hereby created a state park to be known as Wallace Falls State Park.

Property acquisition for.

SEC. 2. In addition to all other powers and duties provided by law, the state parks and recreation commission is hereby directed to acquire such real property upon which Wallace Falls on the Wallace River in Snohomish county is located together with such real property in the vicinity thereof as it deems necessary for park purposes.

The state parks and recreation commission shall acquire such property in any manner authorized by law for the acquisition of lands for park and parkway purposes other than by condemnation.

The legislative council is authorized and directed to make an evaluation as to whether or not the acquisition of any lands proposed to be made pursuant to this act is in the public interest.

Passed the House March 10, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965, with the exception of a certain item in section 2 which was vetoed.

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

Veto message.

"As originally drafted, the last paragraph of section 2 provided for evaluation of the public interest of the transaction by which property would be acquired for Wallace Falls State Park, and a report to the fortieth session of the Legislature. As a result of its deliberation, the Legislature has concluded that the acquisition of real property for the park is in the public interest, and has directed the parks and recreation commission to proceed to acquire the property. Having issued this mandate, the expenditure of further legislative funds for evaluation seems unnecessary and improper.

"I have, therefore, vetoed the last paragraph of section 2, and approve the remainder of the bill."

DANIEL J. EVANS,
Governor.

CHAPTER 147.

[Senate Bill No. 126.]

JUSTICES OF THE PEACE—MUNICIPAL JUDGES— SALARIES.

AN ACT relating to courts of limited jurisdiction; providing increases in salaries; changing the method of paying salaries of judges of courts of limited jurisdiction; amending section 100, chapter 299, Laws of 1961 and RCW 3.58.010; amending section 4, chapter 156, Laws of 1951 and RCW 3.16.004; and amending section 35.20.160, chapter 7, Laws of 1965 and RCW 35.20.160.

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

SECTION 1. Section 100, chapter 299, Laws of 1961 and RCW 3.58.010 are each amended to read as follows:

RCW 3.58.010
amended.

The annual salary of each full time justice of the

Justices of the peace. Salaries of full time justices.

peace shall be ten thousand dollars: *Provided*, That the city or county which pays the salary of such justice may increase such salary to an amount not to exceed thirteen thousand five hundred dollars: *Provided further*, That in class AA and A counties the annual salary of such justices shall be two-thirds of the amount provided by statute as the salary for the position of superior court judge or twelve thousand five hundred dollars, whichever is greater: *Provided further*, That in cities having a population in excess of five hundred thousand, the city which pays the salary may increase such salary of its municipal judges to an amount not more than the salary paid the superior court judges in the county in which the court is located.

SEC. 2. Section 4, chapter 156, Laws of 1951 and RCW 3.16.004 are each amended to read as follows:

In cities having a population of more than twenty thousand, the justices of the peace shall devote their full time to the duties of the office and receive a salary of five thousand four hundred dollars per annum: PROVIDED, That in cities of the first class the county commissioners shall have the power to raise the salaries of justices of the peace to an amount not to exceed six thousand five hundred dollars per annum: PROVIDED FURTHER, That where justices of the peace in cities over the population of twenty thousand are also acting as police judges their salaries shall be fixed by the legislative body of the city, three thousand dollars of which shall be charged against the counties and the remainder shall be paid by the municipality.

RCW 35.20.160 amended.

SEC. 3. Section 35.20.160, chapter 7, Laws of 1965 and RCW 35.20.160 are each amended to read as follows:

Municipal courts. Judge's salary.

The total of the salaries of each municipal judge under this chapter shall be fixed by the legislative

body of the city at not less than nine thousand dollars per annum, to be paid in monthly or semi-monthly installments as for other officials of the city, and such total salaries shall not be more than the salaries paid the superior court judges in the county in which the court is located.

Passed the Senate March 11, 1965.

Passed the House March 11, 1965.

Approved by the Governor March 20, 1965, with the exception of section 2, which was vetoed.

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

Veto message.

"Section 2 of Senate Bill No. 126 directs that Justices of the Peace in cities over 20,000 shall not engage in the practice of law. This provision becomes effective 90 days after the adjournment of the regular session of the legislature.

"Section 2 also provides for an increase in the compensation of these Justices from \$6,500 per year to \$12,500 or two-thirds the amount of the salary provided by statute as the salary for Superior Court Judges, whichever is greater. Pursuant to Article XI, Section 8, of the Washington State Constitution, the salary of these Justices cannot be increased during their term of office. This would create a period in which a number of Justices would be required to serve as full-time Justices of the Peace at a salary of \$6,500 a year.

"The language of the statute is clear, and the unfortunate result would occur without regard to the intent of the Legislature. To allow it to become law would undoubtedly result in litigation, which the Legislature obviously did not intend.

"I am informed that the Senate has added an amendment to Senate Bill No. 459, which correctly accomplishes what the Legislature intended to accomplish by section 2 of Senate Bill No. 126. I urge that you take favorable action on that amendment.

"For the above reasons, I have vetoed all of section 2 of Senate Bill No. 126, restoring the original statutory language of RCW 3.16.004. The remainder of Senate Bill No. 126 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 148.

[House Bill No. 549.]

STATE TRADE FAIRS.

AN ACT relating to state trade fairs and the support thereof; amending section 9, chapter 55, Laws of 1933 as last amended by section 5, chapter 106, Laws of 1955, and RCW 67.16.100; and repealing sections 15.73.010, 15.73.020, 15.73.030 and 15.73.040, chapter 11, Laws of 1961 and RCW 15.73.010, 15.73.020, 15.73.030 and 15.73.040; directing an apportionment from the state trade fair fund; and declaring an emergency.

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

State trade fairs. Legislative declaration.

SECTION 1. The legislature hereby recognizes the economic benefits resultant from the participation in and presentation of state trade fairs; to a large degree the present export of state products from the ports of this state has resulted from state trade fair presentation or participation; as this state is the natural gateway to the Orient, participation in trade fairs in that area is essential to the furtherance of industrial markets of this state; Washington products must be put on view to the people of the state, this country, and the world; nothing serves this purpose more appropriately than state trade fairs, the support of which through state aid the legislature herewith proposes.

"Director" defined.

SEC. 2. "Director" as used in this amendatory act means the director of commerce and economic development.

Eligibility for state financial aid—Requisites for.

SEC. 3. For the purposes of this amendatory act state trade fair organizations, to be eligible for state financial aid hereunder (1) must have had at least two or more years of experience in the presentation of or participation in state trade fairs, whether held in this state, another state or territory of the United States or a foreign country, however these need not

be consecutive years; (2) must be able to provide, from its own resources derived from general admission or otherwise, funds sufficient to match the amount of state financial aid allotted.

SEC. 4. The board of trustees of any state trade fair sponsored by any public agency, qualifying under the provisions of this amendatory act, may apply to the director for moneys to carry on the continued development as well as the operation of said fair, said money to be appropriated from the state trade fair fund as provided for in RCW 67.16.100.

Application for aid, eligible applicants—Fund appropriation.

SEC. 5. It shall be the duty of the director to certify, from the applications received, the state trade fair or fairs qualified and entitled to receive funds under this amendatory act. The director shall make annual allotments to state trade fairs determined qualified to be entitled to participate in the state trade fair fund and shall fix times for the division of and payment from the state trade fair fund: *Provided*, That total payment to any one state trade fair shall not exceed thirty thousand dollars in any one year, where participation or presentation occurs within the United States, and forty thousand dollars in any one year, where participation or presentation occurs outside the United States. Upon certification of the allotment and division of fair funds by the director of commerce and economic development the treasurer shall proceed to pay the same to carry out the purposes of this act.

Certification of eligible applicants—Annual allotments—Maximum.

SEC. 6. The director shall at the end of each year for which an annual allotment has been made, cause to be conducted, a post audit of all of the books and records of each state trade fair participating in the state trade fair fund. The purpose of such post audit shall be to determine how and to what extent each participating state trade fair has expended all of its funds.

Post audit of expended funds—Report of findings.

State trade
fairs.

The audit required by this section shall be a condition to future allotments of money from the state trade fair fund, and the director shall make a report of the findings of each post audit and shall use such report as a consideration in an application for any future allocations.

RCW 67.16.100
amended.

SEC. 7. Section 9, chapter 55, Laws of 1933 as last amended by section 5, chapter 106, Laws of 1955, and RCW 67.16.100 are each amended to read as follows:

Horse racing.
Gross receipts
and fees—
Commission's
percentage—
Disposition—
"Fair fund"
and "State
trade fair
fund".

In addition to the license fees required by this chapter the licensee shall pay to the commission five percent of the gross receipts of all parimutuel machines at each race meet, which sums shall be paid daily to the commission.

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 15. 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.

SEC. 8. State trade fair as used in this amendatory act shall mean a fair supported by public agencies basically for the purpose of introducing and promoting the sale of manufactured or cultural products and services of a given area, whether presented in this state, the United States or its territories, or in a foreign country.

State trade fair defined.

SEC. 9. The director of commerce and economic development shall, as soon as possible after the effective date of this amendatory act, apportion to the public agencies involved for the purpose of participation in the International Trade Fair to be held in Japan in the spring of 1965, the sum of forty thousand dollars from the state trade fair fund or such lesser amount thereof as necessary, to carry out the purposes of this section: *Provided, That all moneys remaining in said state trade fair fund shall revert to the general fund after such apportionment be made.*

Appropriation.

SEC. 10. Upon the effective date of the transfer of functions provided in this amendatory act, the director of agriculture shall immediately deliver to the director of commerce and economic development all books, documents, records, papers, files, or other writings and all funds in his custody or under his control used or held for the purpose of assisting state trade fairs. The transfer of functions to the

Transfer of records and funds—Savings.

State trade fair. Transfer of records and funds—Savings.

director of commerce and economic development shall not affect the validity of any acts performed by the director of agriculture relating to state trade fairs prior to the effective date of this amendatory act. All matters relating to the functions transferred under the provisions of this amendatory act which at the time of transfer have not been completed may be undertaken and completed by the director of commerce and economic development who is authorized, empowered, and directed to promulgate any and all orders, rules, and regulations necessary to accomplish this purpose.

Repeal.

SEC. 11. Sections 15.73.010, 15.73.020, 15.73.030 and 15.73.040, chapter 11, Laws of 1961 and RCW 15.73.010, 15.73.020, 15.73.030 and 15.73.040 are each repealed.

Emergency.

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

Sec. 13. That of the remaining funds in the "state fair account" as defined in this act at the end of the biennium, after payment out of said fund, the sum of \$40,000, shall be reverted to the general fund.

Passed the House March 11, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965, with the exception of certain items in section 9 and section 13, which were vetoed.

Veto message.

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

"This bill recognizes the economic benefits which result to the state from participation in state trade fairs. Through trade fairs, Washington products are put on view to people of the state, of the nation and of the world. To facilitate this economic development, the state trade fair fund now available to the director of agriculture has been transferred by this bill to the director of Commerce and Economic Development.

"Under section 9, the director of Commerce and Economic Development is directed to apportion not more than \$40,000 from the state trade fair fund to assist public agencies involved in the International Trade Fair to be held in Japan next month. However, the proviso at the end of section 9 would transfer all monies remaining in the state trade fair fund to the general fund after that apportionment. It is my view that these monies should remain in the state trade fair fund, to be used by the director in the event the money is needed to assist in the development of additional trade fairs which might qualify under the act. For this reason, I have vetoed the proviso in section 9.

"I have also vetoed section 13, which relates to a 'state fair account', which does not exist in our state treasury and is not defined in the act. Although the intention of the section is not entirely clear from the language employed, it could be construed as transferring all monies from the state trade fair fund to the general fund at the end of each biennium. In order that the director of Commerce and Economic Development can carry out the purposes of House Bill No. 549, it may be necessary to accumulate a reasonable amount of money from one biennium to the next. If at the next session of the Legislature, it appears that surplus money is available in the state trade fair fund, any surplus could then be transferred to the general fund. For these reasons, I have also vetoed section 13.

"The remainder of House Bill No. 549 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 149.

[House Bill No. 307.]

INSURANCE CONTRACTS—EYE CARE SERVICES.

AN ACT relating to eye care service benefits under certain insurance contracts; 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 48.20 RCW; and adding a new section to chapter 79, Laws of 1947 and to chapter 48.21 RCW.

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

Section 1. There is added to chapter 79, Laws of 1947, and to Chapter 48.18 RCW, a new section to read as follows:

Notwithstanding any provision of any insurance contract covered by this chapter, benefits shall not be denied thereunder for any eye care service rendered by a holder of a license issued pursuant to chapter 18.53 RCW, provided, that (1) the service rendered was within the lawful scope of such person's license, and (2) such contract would have pro-

vided the benefits for such service if rendered by a holder of a license issued pursuant to chapter 18.71 RCW.

New section.

SEC. 2. There is added to chapter 79, Laws of 1947, and to chapter 48.20 RCW, a new section to read as follows:

Disability insurance. Eyecare service benefits to be provided under.

Notwithstanding any provision of any disability insurance contract, benefits shall not be denied thereunder for any eye care service rendered by a holder of a license issued pursuant to chapter 18.53 RCW, provided, that (1) the service rendered was within the lawful scope of such person's license, and (2) such contract would have provided the benefits for such service if rendered by a holder of a license issued pursuant to chapter 18.71 RCW.

New section.

SEC. 3. There is added to chapter 79, Laws of 1947, and to chapter 48.21 RCW, a new section to read as follows:

Groups disability insurance. Eyecare service benefits to be provided under.

Notwithstanding any provision of any group disability insurance contract or blanket disability insurance contract, benefits shall not be denied thereunder for any eye care service rendered by a holder of a license issued pursuant to chapter 18.53 RCW, provided, that (1) the service rendered was within the lawful scope of such person's license, and (2) such contract would have provided the benefits for such service if rendered by a holder of a license issued pursuant to chapter 18.71 RCW.

Applicability to present contracts, renewals.

SEC. 4. Sections 1 through 3 of this act shall not apply to contracts in force prior to the effective date of this 1965 act, nor to any renewal of such contracts where there has been no change in any provisions thereof.

Passed the House March 6, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965, with the exception of Section 1 which was vetoed.

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

Veto message.

"I believe that section 2 and section 3 fully accomplish the purposes of House Bill No. 307, and that addition to the general insurance laws of section 1 will create an unnecessary ambiguity in the law.

"I am therefore vetoing section 1. The remainder of House Bill No. 307 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 150.

[House Bill No. 332.]

REGULATION OF CARRIERS OF PASSENGER CHARTER PARTIES.

AN ACT relating to the business of carriers of passenger charter parties; adding a new chapter to Title 81 RCW; levying certain fees; providing penalties; and making an effective date.

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

SECTION 1. There is added to Title 81 RCW a new chapter to read as set forth in sections 2 through 24 of this act.

New chapter.

SEC. 2. The use of the public highways for the transportation of passengers for compensation is a business affected with the public interest. It is the purpose of this chapter to preserve for the public full benefit in use of public highways consistent with the needs of commerce, without unnecessary congestion or wear and tear upon such highways; to secure to the people safe, adequate and dependable transportation by carriers operating upon such highways; and to secure full and unrestricted flow of traffic by motor carriers over such highways which will adequately meet reasonable public demands by providing for the regulation of all transportation

Passenger charter carriers—Regulation of. Legislative declaration.

Passenger
charter car-
riers—Regu-
lation of.

agencies with respect to safety of operations and accident indemnity so that safe, adequate and dependable service by all necessary transportation agencies shall be maintained, and the full use of the highway reserved to the public.

Definitions.

SEC. 3. Unless the context otherwise requires, the definitions and general provisions set forth in this section shall govern the construction of this chapter:

(1) "Commission" means the Washington utilities and transportation commission;

(2) "Person or persons" means an individual, a corporation, association, joint stock association, and partnership, their lessees, trustees or receivers;

(3) "Public highway" includes every public street, road or highway in this state;

(4) "Motor vehicle" means every self-propelled vehicle with seating capacity for seven or more persons, excluding the driver;

(5) Subject to the exclusions of section 4 of this chapter, "charter party carrier of passengers" means every person engaged in the transportation of persons by motor vehicle for compensation whether in common or contract carriage over any public highway in this state.

(6) "Certificate of public convenience and necessity" as used herein means the certificate required by RCW 81.68.040.

Exemptions.

SEC. 4. Provisions of this chapter do not apply to:

(1) Persons operating motor vehicles wholly within the limits of incorporated cities;

(2) Persons or their lessees, receivers or trustees insofar as they own, control, operate or manage taxicabs, hotel buses or school buses, when operated as such;

(3) Passenger vehicles carrying passengers on a noncommercial enterprise basis;

(4) Operators of charter boats operating on waters within or bordering this state.

SEC. 5. No charter party carrier of passengers shall engage in transportation services made subject to this chapter unless there is in force a permit issued annually by the commission authorizing such operation.

Annual permit for operation.

SEC. 6. Applications for permits shall be in writing, verified under oath, and shall be in such form and contain such information as the commission may require.

—Application—Contents.

SEC. 7. Each annual application for a permit to act as a charter party carrier of passengers pursuant to the provision of this chapter shall be accompanied by a filing fee of twenty-five dollars.

—Filing fee.

SEC. 8. Before an annual permit is issued the commission shall require the applicant to establish reasonable fitness and financial responsibility to initiate and conduct such proposed transportation service.

—Fitness, financial responsibility to be established.

SEC. 9. The commission may with or without hearing issue a permit, or may refuse to issue a permit after a hearing. If the commission finds that the applicant possesses satisfactory fitness and financial responsibility to initiate and conduct the proposed transportation service, and will faithfully comply with the rules and regulations adopted by the commission with respect thereto, it shall issue the permit to conduct the requested operations or may issue it for the partial exercise of the privilege sought, and may attach to the permit such terms and conditions as in its judgment are required in the public interest, provided that the permit shall not limit the authorized operations to designated points, area or

—Commission's scope in issuance of permit.

Passenger charter carriers—Regulation of. Annual permit for operation.

routes. The fact that the applicant for the permit is or may later become a holder of a certificate of public convenience and necessity shall not be deemed inconsistent with the provisions of this chapter, and such dual authority may be authorized.

—Permit for one year.

SEC. 10. A permit shall be and remain in effect for one year unless suspended or terminated by the commission.

—Permits not transferable.

SEC. 11. No permit issued pursuant to this chapter or rights to conduct any of the services therein authorized shall be leased, assigned, or otherwise transferred or encumbered.

—Cancellation, suspension or revocation, grounds.

SEC. 12. The commission may cancel, revoke or suspend any operating permit issued pursuant to the provisions of this chapter upon any of the following grounds:

(1) The violation of any of the provisions of this chapter or of any operating permit issued thereunder;

(2) The violation of any order, decision, rule, regulation, direction, demand or requirement established by the commission pursuant to this chapter;

(3) The rendition of a judgment against the charter party carrier of passengers for any penalty imposed under this chapter;

(4) Failure of a charter party carrier of passengers to pay any fee imposed on the carrier within the time required by law;

(5) On the request of the holder of the permit.

Operation unlawful after cancellation or revocation of permit.

SEC. 13. After the cancellation or revocation of a permit or during the period of its suspension, it shall be unlawful for a charter party carrier of passengers to conduct any operations as such a carrier. The commission may either grant or deny an application for a new permit whenever it appears that a prior permit of the applicant has been canceled or

revoked pursuant to section 12 or whenever it appears after hearing that as a prior permit holder the applicant engaged in any unlawful activity set forth in section 12 for which his permit might have been canceled or revoked.

SEC. 14. To the extent that such is not inconsistent with the provisions of this chapter, the commission may supervise and regulate every charter party carrier of passengers in the state and may do all things specifically designated in this chapter which are necessary and convenient in the exercise of such power and jurisdiction.

Commission may supervise and regulate carriers.

SEC. 15. To the extent that such are not inconsistent with the provisions of this chapter, all general orders, and rules and regulations applicable to the operation of auto transportation companies under authority of certificates of public convenience and necessity issued pursuant to the provisions of RCW 81.68.010 through 81.68.090, unless otherwise ordered by the commission, shall apply to charter party carriers of passengers.

Application of regulations applicable to auto transportation companies.

SEC. 16. The commission shall in granting permits pursuant to this chapter require charter party carriers of passengers to procure and continue in effect during the life of the permit adequate protection against liability imposed by law upon the charter party carrier of passengers for the payment of damages for personal bodily injuries including death resulting therefrom, protection against a total liability of the charter party carrier of passengers on account of bodily injuries to or death of one or more persons as a result of any one accident and protection against damage or destruction of property. The minimum requirements for such assurance of protection against liability shall not be less than the requirements which are applicable to operations conducted under certificates of public con-

Liability against damages for bodily injuries or death requisite for permit.

Passenger charter carriers—Regulation of.

venience and necessity issued pursuant to the appropriate statutes of this title and the rules and regulations prescribed pursuant thereto shall apply to charter party carriers of passengers.

Charges must be on vehicle mileage or time of use basis.

SEC. 17. Charges for the transportation to be offered or afforded by a charter party carrier of passengers shall be computed and assessed on a vehicle mileage or time of use basis or on a combination thereof, which charges may vary in accordance with the passenger capacity of the vehicle or the number of persons to be transported, but it shall not be lawful for a charter party carrier of passengers to directly or through his agent, broker or otherwise to contract, agree or arrange to charge, to demand or receive compensation for the transportation offered or afforded which shall be computed, charged or assessed by the carrier on an individual fare basis.

Violations enumerated—Penalty.

SEC. 18. Every person who knowingly or wilfully violates or fails to comply with or who knowingly or wilfully procures, aids or abets in the violation of any provisions of this chapter or who knowingly or wilfully fails to obey or comply with any order, decision, rule, regulation, direction, demand or requirement of the commission or any part or provisions thereof is guilty of a gross misdemeanor.

Statement of gross operating revenue—Fee imposed.

SEC. 19. Every charter party carrier of passengers shall, between the first and fifteenth days of January, April, July and October of each year, file with the commission a statement showing its gross operating revenue from intrastate operations for the preceding three months, or portion thereof, and pay to the commission a fee of two-fifths of one percent of the amount of gross operating revenue: *Provided*, That the fee paid shall in no case be less than two dollars and fifty cents. The percentage rate of gross operating revenue to be paid in any period may

be decreased by the commission by general order entered before the fifteenth day of the month preceding the month in which such fees are due.

SEC. 20. All fees collected under section 19 of this act or under any other provisions of this chapter shall be paid to the commission and shall be by it transmitted to the state treasurer within thirty days to be deposited to the credit of the public service commission revolving fund.

Disposition of fees.

SEC. 21. In construing and enforcing the provisions of this chapter relating to the prescribed privileges and obligations of a holder of a permit issued hereunder, the act, omission or failure of any officer, agent or employee or persons offering to afford the permitted service with the approval or consent of the permit holder is the act, omission or failure to the permit holder.

Acts or omissions of others as that of permit holder.

SEC. 22. Neither this chapter nor any provisions shall apply or be construed to apply to commerce with foreign nations or commerce among the several states except insofar as the same may be permitted under the provisions of the Constitution of the United States and the acts of congress.

Application to interstate or foreign commerce.

SEC. 23. This chapter may be cited as the "Passenger Charter Carriers Act".

Short title.

SEC. 24. The effective date of this act shall be July 1, 1965.

Effective date.

Passed the House March 11, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 23, 1965.

CHAPTER 151.

[House Bill No. 61.]

MINING CLAIMS—LOCATION.

AN ACT relating to mining; amending section 2, chapter 45, Laws of 1899 as last amended by section 1, chapter 64, Laws of 1963, and RCW 78.08.060; and amending section 1, chapter 114, Laws of 1959 as amended by section 2, chapter 64, Laws of 1963, and RCW 78.08.072.

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

RCW 78.08.060 amended.

SECTION 1. Section 2, chapter 45, Laws of 1899 as last amended by section 1, chapter 64, Laws of 1963, and RCW 78.08.060 are each amended to read as follows:

Mining claims, location of. Staking of claim—Requirements—Rights of person diligently engaged in search.

(1) Before filing such notice for record, the discoverer shall locate his claim by posting at the discovery at the time of discovery a notice containing the name of the lode, the name of the locator or locators, and the date of discovery, and marking the surface boundaries of the claim by placing substantial posts or stone monuments bearing the name of the lode and date of location; one post or monument must appear at each corner of such claim; such posts or monuments must be not less than three feet high; if posts are used they shall be not less than four inches in diameter and shall be set in the ground in a substantial manner. If any such claim be located on ground that is covered wholly or in part with brush or trees, such brush shall be cut and trees be marked or blazed along the lines of such claim to indicate the location of such lines.

(2) Prior to valid discovery the actual possession and right of possession of one diligently engaged in the search for minerals shall be exclusive as regards prospecting during continuance of such possession and diligent search. As used in this section, "diligently engaged" shall mean performing not

less than one hundred dollars worth of annual assessment work on or for the benefit of the claim in such year or years it is required under federal law, or any larger amount that may be designated now or later by the federal government for annual assessment work.

SEC. 2. Section 1, chapter 114, Laws of 1959 as amended by section 2, chapter 64, Laws of 1963, and RCW 78.08.072 are each amended to read as follows:

RCW 78.08.072 amended.

Any geological, geochemical, or geophysical survey which reasonably involves a direct expenditure on or for the benefit of each claim of not less than the one hundred dollars worth of annual assessment work required under federal statute or regulations shall hold such claim for not more than two consecutive years or more than a total of five years: *Provided*, That a written report of such survey shall be filed with the county auditor at the time annual assessment work is recorded as required under federal statute, and said written report shall set forth fully:

Holding claim by geological, etc., survey—
Report of survey.

- (1) The location of the survey performed in relation to the point of discovery or location notice and boundaries of the claim.
- (2) The nature, extent, and cost of the survey.
- (3) The date the survey was commenced and the date completed.
- (4) The basic findings therefrom.
- (5) The name, address, and professional background of the person or persons performing or conducting the survey.

Passed the House March 5, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 23, 1965.

CHAPTER 152.

[House Bill No. 100.]

LIE DETECTOR TESTING OF EMPLOYEES—
PROHIBITED.

AN ACT relating to labor; adding new sections to chapter 249, Laws of 1909, and to chapter 49.44 RCW; and prescribing penalties.

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

New section. SECTION 1. There is added to chapter 249, Laws of 1909, and to chapter 49.44 RCW a new section to read as follows:

Lie detector tests. Subjecting employees, prospective employees to, unlawful—Exceptions. 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: *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.

New section. SEC. 2. There is added to chapter 249, Laws of 1909, and to chapter 49.44 RCW a new section to read as follows:

Penalty. Any person violating the provisions of section 1 of this act shall be guilty of a gross misdemeanor.

Passed the House March 7, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 23, 1965.

CHAPTER 153.

[House Bill No. 117.]

ESCROW AGENT REGISTRATION ACT.

AN ACT relating to escrow, escrow agents, and escrow transactions; and prescribing penalties.

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

SECTION 1. Unless the context otherwise requires terms used in this act shall have the following meanings:

Escrow agent
registration.
Definitions.

(1) "Department" means the department of licenses.

(2) "Director" means the director of the department of licenses, or his duly authorized representative.

(3) "Escrow" means any transaction wherein any person or persons, for the purpose of effecting and closing the sale, purchase, exchange, transfer, encumbrance, or lease of real or personal property to another person or persons, delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person to be held by such third person until the happening of a specified event or the performance of a prescribed condition or conditions, when it is then to be delivered by such third person, in compliance with instructions under which he is to act, to a grantee, grantor, promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor, or any agent or employee thereof.

(4) "Escrow agent" means any person engaged in the business of performing for compensation the duties of the third person referred to in section 1 (3) above.

(5) "Certificated escrow agent" means any person holding a certificate of registration as an escrow

agent under the provisions of this act, including corporations, firms, copartnerships and sole proprietors.

(6) "Person" unless a different meaning appears from the context, includes an individual, a firm, association, partnership or corporation, or the plural thereof, whether resident, nonresident, citizen or not.

Escrow agent registration. Engaging in business as escrow agent unlawful without certificate of registration —Exemptions.

SEC. 2. It shall be unlawful for any person to engage in business as an escrow agent within this state unless such person has been registered with the department and issued a certificate of registration by the director pursuant to this act: *Provided*, That the registration requirements of this act shall not apply to:

(1) Any person doing business under the law of this state or the United States relating to banks, trust companies, mutual savings banks, savings and loan associations, credit unions, insurance companies, title insurance companies, or any federally approved agency or lending institution under the National Housing Act.

(2) Any person licensed to practice law in this state while engaged in the performance of his professional duties.

(3) Any company, broker, or agent subject to the jurisdiction of the director while performing acts in the course of or incidental to sales or purchases of real or personal property handled or negotiated by such company, broker, or agent: *Provided, however*, That no compensation is received for escrow services.

(4) Any transaction in which money or other property is paid to, deposited with, or transferred to a joint control agent for disbursement or use in payment of the cost of labor, materials, services, permits, fees, or other items of expense incurred in the construction of improvements upon real property.

(5) Any receiver, trustee in bankruptcy, executor, administrator, guardian, or other person acting under the supervision or order of any superior court of this state or of any federal court.

SEC. 3. An application for registration as an escrow agent shall be in writing in such form as is prescribed by the director, and shall be verified on oath by the applicant. If the applicant is a corporation, the application shall include a list of the officers of such corporation, and their addresses; if the applicant is a firm or copartnership, the application shall include a list of the names and addresses of the partners.

Application for registration—
Form—Verification.

SEC. 4. Each applicant shall, at the time of applying for registration, file with the director:

Affidavits to accompany registration.

(1) Affidavits by any three persons listed in subsections 2 (1) through 2 (3), stating that they are acquainted with the applicant or its principal officers and that they believe him to be of good character and reputation.

(2) In the event the applicant is doing business under an assumed name, a certified copy of the certificate of assumed name as filed with the county clerk in the county or counties in which the applicant does business or proposes to do business, as provided in chapter 19.80 RCW.

SEC. 5. At the time of filing an application as an escrow agent, or any renewal or reinstatement thereof, the applicant shall satisfy the director that it has obtained a fidelity bond providing fidelity coverage on each officer and employee of the applicant. Such applicant shall keep said bond in effect at all times while his certificate of registration is in effect. Such bond shall be a primary commercial blanket bond written by an insurer authorized to transact surety insurance business in the state of Washington. Such bond shall provide fidelity cov-

Fidelity coverage—Type of bond.

Escrow agent registration.

erage in the amount of two hundred thousand dollars and may be canceled by the surety upon delivering thirty days written notice to the director and the principal.

Failure to deposit bond, effect on certificate.

SEC. 6. In the event of cancellation of a bond the director shall require the filing of a new bond. Failure to deposit such new bond after notification by the director that one is required shall be sufficient grounds for the suspension or revocation of the certificate of registration.

Records—Separate escrow fund—Violations as ground for suspension, revocation of certificate.

SEC. 7. Every certificated escrow agent shall keep adequate records of all transactions handled by or through him including itemization of all receipts and disbursements of each transaction, which records shall be open to inspection by the director or his authorized representatives.

Every certificated agent shall keep a separate escrow fund account in a recognized Washington state depository authorized to receive funds, in which shall be kept separate and apart and segregated from the agent's own funds, all funds or moneys of clients which are being held by the agent pending the closing of a transaction and such funds shall be deposited not later than the first banking day following receipt thereof.

Violation of this section shall constitute grounds for suspension or revocation of the registration and the certificate thereof of any person under this act.

Fees—Disposition of.

SEC. 8. The director shall charge and collect the following fees:

(1) For filing an original or a renewal application for registration as an escrow agent, an annual fee of fifty dollars for the first office or location and five dollars for each additional office or location.

(2) For filing an application for a duplicate of a certificate of registration lost, stolen, destroyed, or for replacement, five dollars.

(3) All fees received by the director under this act shall be paid by him into the state treasury to the credit of the general fund.

SEC. 9. Upon the filing of the application for registration as an escrow agent, the affidavits of character, the certificate of assumed name, if appropriate, the acceptance of the bond or other indemnity insurance, and the payment of the filing fee, the director shall issue and deliver to the applicant a certificate of registration to engage in the business of an escrow agent at the location or locations set forth in the certificate or certificates.

Issuance of certificate, when.

SEC. 10. An escrow agent's certificate or registration shall remain in effect until surrendered, revoked, suspended, or until it expires, and shall at all times be kept conspicuously posted in all places of business of the agent.

Certificate, posting of.

SEC. 11. Each escrow agent's certificate shall expire at noon on the thirty-first day of December of any calendar year if it is not renewed on or before the twentieth day of December of such year. Registration may be renewed by filing an application and paying the annual registration fee for the next succeeding calendar year.

Expiration and renewal of certificate.

SEC. 12. An escrow agent's certificate which has not been renewed may be reinstated at any time prior to the thirtieth day of January following its expiration, upon the payment to the director of the annual registration fees then in default and a penalty equal to one-half of the annual registration fees then in default.

—Penalty fee for late renewal.

SEC. 13. The revocation, suspension, surrender or expiration of an escrow agent's certificate shall not impair or affect preexisting escrows accepted by the agent prior to such revocation, suspension, surrender or expiration.

Revocation, etc., of certificate—Not to effect preexisting escrows.

Escrow agent registration. Acting as agent without valid certificate, misdemeanor— Punishment.

SEC. 14. Any person required by act to obtain a certificate of registration who engages in business as an escrow agent without applying for and receiving the certificate of registration required by this act, or wilfully continues to act as an escrow agent after surrender or revocation of his certificate, is guilty of a misdemeanor punishable by imprisonment for not more than ninety days, or by a fine of not more than two hundred fifty dollars, or by both such fine and imprisonment.

Cut-off date for initial registration.

SEC. 15. All persons doing business within this state as an escrow agent as defined in this act, who may be required by this act to register with the department, shall comply with the provisions hereof not later than December 31, 1965.

Enforcement officials.

SEC. 16. The attorney general and the prosecuting attorneys of the several counties shall be responsible for the enforcement of this act.

Injunctive proceedings— Actions to revoke or suspend registration.

SEC. 17. Whenever it shall appear that any person, required by this act to register with the department, is conducting business as an escrow agent without having applied for and obtained a certificate of registration, or that any certificated escrow agent is conducting business in a manner deemed unsafe or injurious to the public or any party having business relations with such escrow agent as a contracting party to an escrow agreement as defined in section 1, or in violation of any of the provisions of this act, the attorney general or the prosecuting attorney of the appropriate county may, after such investigation as may be necessary, apply to the appropriate court for an order enjoining the person from engaging in or continuing to engage in the activity violative of this act, and upon a showing that such person has engaged, or is about to engage, in any such activity, a permanent or temporary in-

junction, restraining order, or other appropriate order may be issued by the court.

Alternatively or in addition, the attorney general or prosecuting attorney of the appropriate county may bring an action in the superior court to revoke or suspend the registration of any person under this act for violation of any provision thereof.

SEC. 18. Upon petition by the attorney general, the court may, in its discretion, order the dissolution, or suspension or forfeiture of franchise, of any corporation for repeated or flagrant violation of this act or the terms of any order of injunction hereunder.

Court order affecting franchise, grounds.

SEC. 19. No person engaged in the business or acting in the capacity of an escrow agent may bring or maintain any action in any court of this state for the collection or compensation for the performances of any services entered upon after December 31, 1965, for which registration is required under this act without alleging and proving that he was a duly certificated escrow agent at the time of commencement of such services.

Certificate essential for action for compensation as escrow agent.

SEC. 20. Nothing in this act shall be so construed as to authorize any escrow agent, or his employees or agents, to engage in the practice of law, and nothing in this act shall be so construed as to impose any additional liability on any depository authorized by this act and the receipt or acquittance of the persons so paid by such depository shall be a valid and sufficient release and discharge of such depository.

Practice of law prohibited—No additional liability on depositories.

SEC. 21. This act shall be known and cited as the “Escrow Agent Registration Act.”

Short title.

Passed the House March 11, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 23, 1965.

CHAPTER 154.

[Senate Bill No. 295.]

CITIES AND TOWNS—BOAT HARBORS, MARINAS,
DOCKS, ETC. AUTHORIZED.

AN ACT relating to cities and towns and permitting the legislative body of certain second, third or fourth class municipalities to construct, operate and maintain certain harbor, marina, dock or other public improvements.

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

Construction of boat harbors, etc., by certain municipalities—Purposes.

SECTION 1. The legislative body of any second, third or fourth class municipality which contains, or abuts upon, any bay, lake, sound, river or other navigable waters, may construct, operate and maintain any boat harbor, marina, dock or other public improvement, for the purposes of commerce, recreation or navigation.

Passed the Senate March 3, 1965.

Passed the House March 10, 1965.

Approved by the Governor March 23, 1965.

CHAPTER 155.

[Senate Bill No. 223.]

STATE EMPLOYEES' RETIREMENT SYSTEM.

AN ACT relating to the state employees' retirement system; amending section 1, chapter 274, Laws of 1947, as last amended by section 1, chapter 174, Laws of 1963, and by section 1, chapter 225, Laws of 1963, and RCW 41.40.010; amending section 13, chapter 274, Laws of 1947, as last amended by section 1, chapter 210, Laws of 1963, and by section 2, chapter 225, Laws of 1963, and RCW 41.40.120; amending section 16, chapter 274, Laws of 1947, as last amended by section 8, chapter 174, Laws of 1963, and RCW 41.40.150; amending section 17, chapter 274, Laws of 1947 as last amended by section 9, chapter 174, Laws of 1963 and RCW 41.40.160; amending section 28, chapter 274, Laws of 1947, as last amended by section 13, chapter 174, Laws of 1963, and RCW 41.40.270; amending section 30, chapter 274, Laws of 1947, as last amended by section 10,

chapter 291, Laws of 1961, and RCW 41.40.290; amending section 32, chapter 274, Laws of 1947, as last amended by section 14, chapter 174, Laws of 1963, and RCW 41.40.310; adding a new section to chapter 41.40 RCW; repealing section 8, chapter 274, Laws of 1947, as last amended by section 5, chapter 174, Laws of 1963, and RCW 41.40.070; and declaring an emergency.

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

SECTION 1. Section 1, chapter 274, Laws of 1947, as last amended by section 1, chapter 174, Laws of 1963 and by section 1, chapter 225, Laws of 1963, and RCW 41.40.010 are each amended to read as follows:

RCW 41.40.010 amended.

As used in this chapter, unless a different meaning is plainly required by the context:

State employees' retirement. Terms defined.

(1) "Retirement system" means the state employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter 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 of the state admitted into the retirement system; and the terms 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.

(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:

State em-
ployees' retire-
ment. Terms
defined.

(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 eight 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.

(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.

(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,

State employees' retirement. Terms defined.

all service rendered after October 1, 1947, except as qualified by RCW 41.40.120;

(b) In the case of all other members, all service as a member.

(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 for the purchase of annuities 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 five year period of service for which service credit is allowed; or if he has less than five 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) "Annuity reserve" means the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the retirement board, of all payments to be made on account of any an-

nuity or benefits in lieu of any annuity granted to a member under the provisions of this chapter.

(21) "Pension reserve" means the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the retirement board, of all payments to be made on account of any pension, or benefits in lieu of any pension, granted to a member under the provisions of this chapter.

(22) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(23) "Contributions for the purchase of annuities" means amounts deducted from the compensation of a member, under the provisions of RCW 41.40.330, other than contributions to the retirement system expense fund.

(24) "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.

(25) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(26) "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.

(27) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision (26).

(28) "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.

(29) "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.

RCW 41.40.120 amended.

SEC. 2. Section 13, chapter 274, Laws of 1947, as last amended by section 1, chapter 210, Laws of 1963 and by section 2, chapter 225, Laws of 1963, and RCW 41.40.120 are each amended to read as follows:

State employees' retirement. Membership.

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 first 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 membership may become effective at the start of the initial or successive terms of office held by the person at the time application is made: *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;

(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 rea-

son 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 41.40.290;

(5) Patient and inmate help in state charitable, penal and correctional institutions;

(6) "Members" of state veterans' home or state soldiers' home;

(7) Persons employed by an employer or serving in an institution of higher learning 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 the University of Washington and the Washington State University 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 of a labor guild, association, or organization which qualifies as an employer within this chapter shall have

State employees' retirement. Membership.

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.

RCW 41.40.150 amended.

SEC. 3. Section 16, chapter 274, Laws of 1947, as last amended by section 8, chapter 174, Laws of 1963, and RCW 41.40.150 are each amended to read as follows:

Termination of membership.

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 41.40.290, 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 of continuous service and upon the restoration of all withdrawn contributions, which restoration must be completed within a total period of three 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.

(3) A member who separates after having completed at least ten 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 bene-

fits 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 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;

(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 exer-

State em-
ployees' re-
tirement.
Termination of
membership.

cised 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 re-entry 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) 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.

RCW 41.40.160
amended.

SEC. 4. Section 17, chapter 274, Laws of 1947 as last amended by section 9, chapter 174, Laws of 1963

and RCW 41.40.160 are each amended to read as follows:

(1) Subject to the provisions of RCW 41.40.150, at retirement the total service credited to a member shall consist of all his membership service and, if he is an original member, all of his certified prior service. Creditable service.

(2) Employees of a public utility or other private enterprise all or any portion of which has been heretofore or may be hereafter acquired by a public agency as a matter of public convenience and necessity, where it is in the public interest to retain the trained personnel of such enterprise, all service to that enterprise shall, upon the acquiring public agency becoming an employer as defined in RCW 41.40.010 (4) be credited on the same basis as if rendered to the said employer: *Provided*, That this shall apply only to those employees who were in the service of the enterprise at or prior to the time of acquisition by the public agency and who remain in the service of the acquiring agency until they attain membership in the state employees' retirement system; and to those employees who were in the service of the enterprise at the time of acquisition by the public agency and subsequently attain membership through employment with any participating agency: *Provided further*, In the event that the acquiring agency is an employer at the time of the acquisition, employer's contributions in connection with members achieving service credit hereunder shall be made on the same basis as set forth in RCW 41.40.361 for an employer admitted after April 1, 1949.

SEC. 5. Section 28, chapter 274, Laws of 1947, as last amended by section 13, chapter 174, Laws of 1963, and RCW 41.40.270 are each amended to read as follows: RCW 41.40.270 amended.

State employees' retirement. Death before retirement—Contributions to nominee, surviving spouse or legal representative.

Should a member die before the date of his retirement the amount of the accumulated contributions standing to his credit in the employees' savings fund, at the time of his death, 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: *Provided*, That if there be no such designated person or persons still living at the time of the member's death, his accumulated contributions standing to his credit in the employees' savings fund shall be paid to his surviving spouse as if in fact such spouse had been nominated by written designation as aforesaid, or if there be no such surviving spouse, then to his legal representatives: *Provided, however*, That this section, unless elected, shall not apply to any member who shall hereafter die while still in service leaving a surviving spouse who is entitled to, and elects to take an option II benefit as provided for in RCW 41.40.290: *Provided further*, That this section, unless elected, shall not apply to any member who has applied for service retirement in RCW 41.40.180 and thereafter dies between the date of his separation from service and his effective retirement date, where the member has selected either option II or option III in RCW 41.40.290. The beneficiary named in the member's final application for service retirement may elect to receive either a cash refund or monthly payments according to the option selected by the member.

RCW 41.40.290 amended.

SEC. 6. Section 30, chapter 274, Laws of 1947, as last amended by section 10, chapter 291, Laws of 1961, and RCW 41.40.290 are each amended to read as follows:

Optional allowances.

Except as provided by RCW 41.40.250, any member may elect, in accordance with the provisions of this section and in lieu of a regular retirement allowance payable throughout life with termination

at death, to receive as an optional retirement allowance the actuarial equivalent, at the time of his retirement, of his regular retirement allowance in accordance with the provisions of options I, II, and III, as hereinafter set forth: *Provided*, That 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 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.

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; or

Option III. Upon his death, one-half of his reduced retirement allowance shall be continued

State em-
ployees' retire-
ment. Optional
allowances.

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.

RCW 41.40.310
amended.

SEC. 7. Section 32, chapter 274, Laws of 1947, as last amended by section 14, chapter 174, Laws of 1963, and RCW 41.40.310 are each amended to read as follows:

Periodical ex-
amination of
disability
beneficiaries.

Once each year during the first five years following the retirement of a member on a disability pension or retirement allowance, and at least once in every three year period thereafter the retirement board may, and upon the member's application shall, require any disability beneficiary, who has not attained age sixty years, to undergo a medical examination; such examination to be made by or under the direction of the medical adviser at the place of residence of said beneficiary, or other place mutually agreed upon. Should any disability beneficiary, who has not attained age sixty years, refuse to submit to such medical examination in any such period, his disability pension or retirement allowance may be discontinued until his withdrawal of such refusal, and should such refusal continue for one year, all his rights in and to his disability pension, or retirement allowance, may be revoked by the retirement board. If upon such medical examination of a disability beneficiary, the medical adviser reports and his report is concurred in by the retirement board, that the disability beneficiary is no longer totally incapacitated for duty as the result of the injury or illness for which the disability was granted, or that he is engaged in a gainful occupation, his disability pension or retirement allowance shall cease: *Provided*, That if the disability beneficiary resumes a gainful occupation and his compensation is less than his compensation earnable at the date of disability, the

board shall continue the disability benefits in an amount which when added to his compensation does not exceed his compensation earnable at the date of separation, but the disability benefit shall in no event exceed the disability benefit originally awarded.

SEC. 8. There is added to chapter 274, Laws of 1947, as amended, and to chapter 41.40 RCW a new section to read as follows: New section.

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 following classes of investments, and not otherwise: Investment or reinvestment of system funds.

(1) Bonds, notes, or other obligations of the United States, 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;

(2) Bonds or other evidences of indebtedness of this state or a duly authorized authority or agency thereof; and full faith and credit obligations of, or obligations unconditionally guaranteed as to principal and interest by any other state of the United States and the Commonwealth of Puerto Rico;

(3) Bonds, debentures, notes, or other full faith and credit obligations issued, guaranteed, or assumed as to both principal and interest by the government of the Dominion of Canada, or by any province of Canada: *Provided*, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder;

(4) Bonds, notes, or other obligations of any municipal corporation, political subdivision or state supported institution of higher learning of this state, issued pursuant to the laws of this state: *Provided*, That the issuer has not, within ten years prior to the

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employees' re-
tirement. In-
vestment or
reinvestment
of system
funds.

making of the investment, been in default for more than ninety days in the payment of any part of the principal or interest on any debt evidenced by its bonds, notes, or obligations;

(5) Bonds, notes, or other obligations issued, guaranteed or assumed by any municipal or political subdivision of any other state of the United States: *Provided*, That any such municipal or political subdivision, or the total of its component parts, shall have a population as shown by the last preceding federal census of not less than ten thousand and shall not within ten years prior to the making of the investment have defaulted in payment of principal or interest of any debt evidenced by its bonds, notes or other obligations for more than ninety days;

(6) Bonds, debentures, notes, or other obligations issued, guaranteed, or assumed as to both principal and interest by any city of Canada which has a population of not less than one hundred thousand inhabitants: *Provided*, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder: *Provided further*, That the issuer shall not within ten years prior to the making of the investment have defaulted in payment of principal or interest of any debt evidenced by its bonds, notes or other obligations for more than ninety days;

(7) Bonds, notes, or other obligations issued, assumed, or unconditionally guaranteed by the international bank for reconstruction and development, or by the federal national mortgage association or the inter-American bank;

(8) Bonds, debentures, or other obligations issued by a federal land bank, or by a federal intermediate credit bank, under the act of congress of July 17, 1916, known as the "federal farm loan act", as amended or supplemented from time to time;

(9) Obligations of any public housing authority

or urban redevelopment authority issued pursuant to the laws of this state relating to the creation or operation of a public housing or urban redevelopment authority;

(10) Obligations of any other state or the Commonwealth of Puerto Rico, municipal authority or political subdivision within the state or the commonwealth issued pursuant to the laws of such state or commonwealth with principal and interest payable from tolls or other special revenues: *Provided*, That the issuer has not, within ten years prior to the making of the investment, been in default for more than three months in the payment of any part of the principal or interest on any debt evidenced by its bonds, notes, or obligations;

(11) Bonds and debentures issued by any corporation duly organized and operating in any state of the United States of America: *Provided*, That such securities can qualify for an "A" rating or better by two nationally recognized rating agencies;

(12) Capital notes or debentures of any national or state bank doing business in the United States of America;

(13) Equipment trust certificates issued by any corporation duly organized and operating in any state of the United States of America;

(14) Investments in savings and loan associations organized under federal or state law, insured by the federal savings and loan insurance corporation, and operating in this state: *Provided*, That the investment in any such savings and loan association shall not exceed the amount insured by the federal savings and loan insurance corporation;

(15) Savings deposits in commercial banks and mutual savings banks organized under federal or state law, insured by the federal deposit insurance corporation, and operating in this state: *Provided*, That the deposit in such banks shall not exceed the

State employees' retirement, investment or reinvestment of system funds.

amount insured by the federal deposit insurance corporation;

(16) First mortgages on unencumbered real property which are insured by the federal housing administration under the national housing act (as from time to time amended), or are guaranteed by the veterans administration under the servicemen's readjustment act of 1944 (as from time to time amended), or are otherwise insured or guaranteed by the United States of America, or by any agency or instrumentality of the United States of America, so as to give the investor protection at least equal to that provided by the said national housing act or the said servicemen's readjustment act;

(17) Appropriate contracts of life insurance or annuities from insurers duly authorized to do business in the state of Washington, if and when such purchase or purchases in the judgment of the retirement board be appropriate or necessary to carry out the purposes of this chapter.

For the purpose of meeting disbursements for purchase or purchases in the judgment of the receipts, there shall be kept available by the retirement board an amount, not exceeding ten percent of the total amount in the funds provided by this chapter, on deposit in the state treasury.

All investments made and all investment agreements, contracts, or proceedings made or entered into by the retirement board in accordance with state laws governing any such investments, agreements, contracts or proceedings prior to the date this act takes effect, are hereby validated, ratified, approved and confirmed.

Repeal.

SEC. 9. Section 8, chapter 274, Laws of 1947, as last amended by section 5, chapter 174, Laws of 1963, and RCW 41.40.070 are each repealed.

SEC. 10. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. Severability.

SEC. 11. This act is necessary for the immediate preservation of the public peace, health and safety, and for the support of the state government, and shall take effect immediately. Emergency.

Passed the Senate March 5, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 23, 1965.

CHAPTER 156.

[Senate Bill No. 51.]

DEPARTMENT OF MOTOR VEHICLES.

AN ACT relating to state government; establishing a department of motor vehicles; providing for succession of powers and duties relating to motor vehicles from the director of licenses to the department of motor vehicles; establishing a division of professional licensing; providing for the transfer of certain functions of the state patrol to the department of motor vehicles; defining powers and duties; providing for the transfer of certain records, books, accounts, equipment, funds, appropriations, and property, real, personal and mixed; amending section 46.08.140, chapter 12, Laws of 1961 and RCW 46.08.140; amending section 46.08.090, chapter 12, Laws of 1961 and RCW 46.08.090; amending section 46.08.100, chapter 12, Laws of 1961 as amended by section 1, chapter 85, Laws of 1963, and RCW 46.08.100; creating a new chapter as part of chapter 12, Laws of 1961 and Title 46 RCW and recodifying certain sections herein amended therein; amending section 43.17.010, chapter 8, Laws of 1965 and RCW 43.17.010; amending section 43.17.020, chapter 8, Laws of 1965 and RCW 43.17.020; and providing an effective date.

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

SECTION 1. Due to the tremendous increase in motor vehicles on our highways and the attendant Purpose.

Motor vehicles,
department of.
Purpose.

tragic death and accident tolls, the effective regulation and control of motor vehicles and drivers is now a major state responsibility.

It is the purpose of this amendatory act to establish a department of state government to be known as the department of motor vehicles, vested with the power and charged with the responsibility for efficiently administering the motor vehicle laws of this state.

Department
created—Powers
and duties
vested.

SEC. 2. (1) A department of the government of this state to be known as the "department of motor vehicles" is hereby created.

(2) The department shall succeed to and is hereby vested with all powers, duties and jurisdiction relating to motor vehicles now vested in the director of licenses.

Laws department
to administer and
recommend
improvements
in.

SEC. 3. The department shall be responsible for administering and recommending the improvement of the motor vehicle laws of this state relating to:

- (1) driver examining and licensing;
- (2) driver improvement;
- (3) driver records;
- (4) financial responsibility;
- (5) certificates of ownership;
- (6) certificates of license registration and license plates;
- (7) proration and reciprocity;
- (8) liquid fuel tax collections;
- (9) licensing of dealers, motor vehicle transporters, motor vehicle wreckers, for hire vehicles, and drivers' schools;
- (10) general highway safety promotion in cooperation with the Washington state patrol and state safety council;
- (11) such other activities as the legislature may provide.

SEC. 4. The department of motor vehicles is vested with all powers, functions, and duties of the director of licenses with respect to and including the following:

Powers, functions, duties of director of licenses vested in.

- (1) the motor vehicle fuel excise tax as provided in chapter 82.36 RCW;
- (2) the use fuel tax as provided in chapter 82.40 RCW;
- (3) the motor vehicle excise tax as provided in chapter 82.44 RCW;
- (4) the house trailer excise tax as provided in chapter 82.50 RCW;
- (5) all general powers and duties relating to motor vehicles as provided in chapter 46.08 RCW;
- (6) certificates of ownership and registration as provided in chapters 46.12 and 46.16 RCW;
- (7) the registration and licensing of motor vehicles as provided in chapters 46.12 and 46.16 RCW;
- (8) dealers' licenses as provided in chapter 46.70 RCW;
- (9) the licensing of motor vehicle transporters as provided in chapter 46.76 RCW;
- (10) the licensing of motor vehicle wreckers as provided in chapter 46.80 RCW;
- (11) the administration of the laws relating to the highway user tax structure as provided in chapter 46.84 RCW;
- (12) the licensing of passenger vehicles for hire as provided in chapter 46.72 RCW;
- (13) operators' licenses as provided in chapter 46.20 RCW;
- (14) commercial driver training schools as provided in chapter 46.82 RCW;
- (15) financial responsibility as provided in chapter 46.29 RCW;
- (16) accident reporting as provided in chapter 46.52 RCW;

Motor vehicles, department of. (17) disposition of revenues as provided in chapter 46.68 RCW; and

(18) the administration of all other laws relating to motor vehicles now vested in the director of licenses.

Division of professional licenses—Created—Powers, duties, transferred to.

SEC. 5. All powers, functions and duties now vested by law in the director of licenses or the department of licenses, other than those enumerated in section 4 of this amendatory act, shall be transferred to a division of professional licensing hereby created within the department of motor vehicles.

Records, accounts, funds, etc., transferred to department.

SEC. 6. On July 1, 1965, all records, books, accounts, equipment, funds, appropriations, and all other property, real, personal, and mixed now or hereafter held by the department of licenses shall be transferred to the department of motor vehicles.

State patrol functions transferred to department.

SEC. 7. Functions named in section 3 of this amendatory act which have heretofore been performed by the state patrol as agent of the director of licenses shall be performed by the department of motor vehicles after June 30, 1965.

Records, accounts, funds, etc., transferred to department—Segregation.

SEC. 8. On July 1, 1965, all records, books, accounts, equipment, funds and all other personal property now or hereafter held for the use of the Washington state patrol in performing driver licensing and driver improvement functions shall be transferred to the possession and control of the department of motor vehicles. In all cases where any question shall arise as to the proper custody of any such property or pending business, the governor shall determine the question.

Such property used jointly for driver licensing and driver improvement functions, and enforcement functions of the Washington state patrol shall be segregated between the department of motor vehicles

and the Washington state patrol as shall be determined by the governor.

SEC. 9. The department shall be under the control of an executive officer to be known as the director of motor vehicles. He shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director shall be selected with special reference to his experience, capacity and interest in the field of motor vehicle administration or highway safety.

Director. Appointment, term, qualifications.

SEC. 10. The director shall organize the department in such maner as he may deem necessary properly to segregate and conduct the work of the department effectively.

—Duties.

SEC. 11. Section 46.08.140, chapter 12, Laws of 1961 and RCW 46.08.140 are each amended to read as follows:

RCW 46.08.140 amended.

The director of motor vehicles is hereby authorized to adopt and enforce such reasonable rules and regulations as may be consistent with and necessary to carry out the provisions relating to vehicle licenses, certificates of ownership and license registration and drivers' licenses not in conflict with the provisions of Title 46 RCW.

Rules and regulations.

SEC. 12. The lawfully adopted rules and regulations of the director of licenses in effect on June 30, 1965 shall continue to have full force and effect and be applicable until superseded by, or repealed by, rules and regulations lawfully adopted by the director of motor vehicles. Any references in such rules and regulations to the director of licenses shall be considered to be references to the director of motor vehicles.

—Prior rules and regulations, effect.

SEC. 13. Section 46.08.090, chapter 12, Laws of 1961 and RCW 46.08.090 are each amended to read as follows:

RCW 46.08.090 amended.

Motor vehicles,
department of.
Powers of
director.

The department of motor vehicles shall have the general supervision and control of the issuing of vehicle licenses and vehicle license number plates 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; 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.

RCW 46.08.100
amended.

SEC. 14. Section 46.08.100, chapter 12, Laws of 1961 as amended by section 1, chapter 85, Laws of 1963, and RCW 46.08.100 are each amended to read as follows:

County audi-
tor, others, as
agent for
director—Ap-
plication fee.

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 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.

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 or the right to operate any vehicle upon the public highways of this state, 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 treas-

urer 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 state patrol highway account. 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. 15. The department may maintain such branch offices within the state as the director may deem necessary properly to carry out the powers and duties vested in the department. Branch offices.

SEC. 16. The director shall prescribe and provide suitable forms of applications, certificates of ownership and registration, drivers' licenses and all other forms and licenses requisite or deemed necessary to carry out the provisions of Title 46 RCW and any other laws the enforcement and administration of which are vested in the department. Applications, licenses, other documents, forms.

SEC. 17. The department shall have an official seal with the words "Department of Motor Vehicles of Washington" engraved thereon. Official seal.

SEC. 18. Officers and employees of the department designated by the director are, for the purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge signatures and shall do so without fee. Oaths, acknowledgments, employees may administer.

SEC. 19. The director of motor vehicles may designate the Washington State Patrol as an agent to secure the surrender of drivers' licenses which have State patrol as agent of department.

Motor vehicles,
department of.

been suspended, revoked, or cancelled pursuant to law.

RCW 43.17.010
amended.

SEC. 20. Section 43.17.010, chapter 8, Laws of 1965 and RCW 43.17.010 are each amended to read as follows:

Administra-
tive depart-
ments—State.
Created.

There shall be departments of the state government which shall be known as (1) the department of public assistance, (2) the department of institutions, (3) the department of health, (4) the department of conservation, (5) the department of labor and industries, (6) the department of agriculture, (7) the department of fisheries, (8) the department of game, (9) the department of highways, (10) the department of motor vehicles, (11) the department of general administration and (12) the department of commerce and economic development, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

RCW 43.17.020
amended.

SEC. 21. Section 43.17.020, chapter 8, Laws of 1965 and RCW 43.17.020 are each amended to read as follows:

Chief execu-
tive officers—
State. Ap-
pointment.

There shall be a chief executive officer of each department to be known as: (1) The director of public assistance, (2) the director of institutions, (3) the director of health, (4) the director of conservation, (5) the director of labor and industries, (6) the director of agriculture, (7) the director of fisheries, (8) the director of game, (9) the director of highways, (10) the director of motor vehicles, (11) the director of general administration and (12) the director of commerce and economic development.

Such officers, except the director of highways, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of

the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The director of highways shall be appointed by the state highway commission.

SEC. 22. (1) All employees of the department of licenses who are employed exclusively or principally in performing the functions vested in the department of motor vehicles shall, upon the effective date of this amendatory act, be transferred to the department of motor vehicles.

Transfer of employees to new department.

(2) All civilian employees of the Washington state patrol who are employed exclusively or principally in performing driver examining and licensing functions and driver improvement functions shall, upon the effective date of this amendatory act, be transferred to the department of motor vehicles.

(3) All such employees transferred to the department of motor vehicles as provided in this section 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.

SEC. 23. Sections 1 through 18 of this amendatory act are added to chapter 12, Laws of 1961 and shall constitute a new chapter in Title 46 of the Revised Code of Washington and sections 11, 13 and 14, as herein amended, shall be recodified as and be a part of said chapter.

New chapter designated.

SEC. 24. The effective date of this amendatory act shall be July 1, 1965.

Effective date.

Passed the Senate March 5, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 23, 1965.

CHAPTER 157.

[Senate Bill No. 310.]

PUBLIC HOSPITAL DISTRICTS.

AN ACT relating to public hospital districts; amending section 15, chapter 264, Laws of 1945 and RCW 70.44.050; amending section 6, chapter 264, Laws of 1945, as amended by section 18, chapter 197, Laws of 1949 and RCW 70.44.060; amending section 10, chapter 264, Laws of 1945 and RCW 70.44.160; amending section 16, chapter 264, Laws of 1945 and RCW 70.44.170; and declaring an emergency.

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

RCW 70.44.050
amended.

SECTION 1. Section 15, chapter 264, Laws of 1945 and RCW 70.44.050 are each amended to read as follows:

Public hospital
districts. Com-
missioners.
Compensation
—Insurance—
Expenses—
Officers—Rules
—Seal—
Record.

A district may provide by resolution for the payment of compensation to each of its commissioners at a rate not exceeding twenty-five dollars for each day or major part thereof devoted to the business of the district, and days upon which he attends meetings of the commission of his own district, or meetings attended by one or more commissioners of two or more districts called to consider business common to them, except that the total compensation paid to such commissioner during any one year shall not exceed six hundred dollars: *Provided*, That commissioners may not be compensated for services performed of a ministerial or professional nature. Any district providing group insurance for its employees, covering them, their immediate family, and dependents, may provide insurance for its commissioners with the same coverage. Each commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his subsistence and lodging and travel while away from his place of residence. No resolution shall be adopted without a majority vote of the whole commission. The commission shall organize

by election of its own members of a president and secretary, shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings of the commission shall be by motion or resolution recorded in a book or books kept for such purpose, which shall be public records.

SEC. 2. Section 6, chapter 264, Laws of 1945, as amended by section 18, chapter 197, Laws of 1949 and RCW 70.44.060 are each amended to read as follows:

RCW 70.44.060
amended.

All public hospital districts organized under the provisions of this chapter shall have power:

Powers and
duties.

(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 dis-

Public hospital
districts.
Powers and
duties.

trict 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 bonds therefor, bearing interest at a rate not exceeding six percent per annum, payable semi-

annually, said bonds not to be sold for less than par and accrued interest; and to assign or sell hospital accounts receivable for collection with or without recourse.

(6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed three mills or such further amount as has been or shall be authorized by a vote of the people: *Provided further*, That the public hospital districts are hereby authorized to levy such a general tax in excess of said three mills when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the constitution and laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies commonly known as the forty mill tax limitation. The said board of district commissioners is hereby authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition to levy a tax in excess of the three mills herein specifically authorized. The commissioner shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in October the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commis-

Public hospital districts. Powers and duties.

sion shall be certified to and collected by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate of not to exceed six percent per annum.

(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 said public hospital district shall not be liable for negligence for any act of any officer, agent or employee of said district: *And 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.

RCW 70.44.160 amended.

SEC. 3. Section 10, chapter 264, Laws of 1945 and RCW 70.44.160 are each amended to read as follows:

Medical management—Hospital standards.

The medical management of patients shall be subject to the approval of the medical staff. All

hospitals operated by a district shall be operated in compliance with the standards set by the American Hospital Association.

SEC. 4. Section 16, chapter 264, Laws of 1945 and RCW 70.44.170 are each amended to read as follows:

RCW 70.44.170
amended.

The treasurer of the county in which a district is situated shall be the treasurer of the district and all funds of the district shall be paid to him as treasurer and shall be disbursed by him on warrants drawn and signed by an auditor to be appointed by the commission or in hospitals of fifty beds or less, such person, which may include the superintendent, as may be designated by the commission, upon order of or vouchers approved by the commission. The county treasurer shall create a fund for any public hospital district, to be known as the public hospital district fund, into which shall be paid all money received by him from the collection of taxes in behalf of such public hospital district, and he shall also maintain such other special funds as may be created by the public hospital commission, into which shall be placed such moneys as the public hospital commission may by its resolution direct. All such public hospital district funds shall be deposited with the county depositories under the same restrictions, contracts and security as is provided by statute for county depositories, and all interest collected on such public hospital funds shall belong to such public hospital district funds.

Treasurer—
Duties—Funds
—Depository.

Sec. 5. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 7, 1965.

Passed the House March 11, 1965.

Approved by the Governor March 23, 1965, with the exception of Section 5 which was vetoed.

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

"Section 5 contains the standard emergency clause requiring the act to take effect immediately. Imposition of an emergency clause defeats the right of the people to reject legislative action by referendum, and should be sparingly used. Having carefully considered each section of Senate Bill No. 310, it is clear that no part of the act is necessary for the immediate preservation of public peace, health and safety, or the support of state government and its existing public institutions.

"Section 5 is therefore vetoed. The remainder of Senate Bill No. 310 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 158.

[Senate Bill No. 50.]

STATE LAW ENFORCEMENT OFFICERS' TRAINING
COMMISSION.

AN ACT relating to state government; establishing a state law enforcement officers' training commission; providing for its organizational structure; defining its power and duties; establishing a law enforcement officers' training fund; and amending section 3, page 421, Laws of 1873 as last amended by section 1, chapter 30, Laws of 1919 and RCW 10.82.070.

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

SECTION 1. *Definitions.* When used in this act:

(1) The term "commission" means the Washington law enforcement officers' training commission.

(2) The term "municipality" means any county, city or town in this state.

(3) The term "law enforcement officer" means a member of a police force or other organization of a municipality who is responsible for the prevention or detection of crime and the enforcement of the general criminal laws of the state or ordinances of a municipality, but shall not include any person serving as such solely by virtue of his occupying any other office or position, nor shall such term include

Law enforcement officers' training commission. Definitions.

a sheriff, undersheriff, chief of police, deputy or assistant chief of police, or any person having an equivalent title, who is elected, appointed or employed by a municipality to exercise equivalent supervisory authority.

SEC. 2. *Commission Created.* There is hereby created and established a state commission on law enforcement officer standards and training to be known and designated as the Washington Law Enforcement Officers' Training Commission. Commission created.

SEC. 3. *Membership.* (1) The commission shall consist of nine members. Six members shall be selected as follows: Membership.

(a) Two shall be appointed by the governor from a list of at least four nominees, who shall be incumbent sheriffs, submitted by the sheriffs of the Washington association of sheriffs and chiefs of police; vacancies caused by expiration of a term or otherwise of one of these two members shall be filled by appointment by the governor from a list of at least three nominees, who shall be incumbent sheriffs, submitted by the sheriffs of the Washington association of sheriffs and chiefs of police;

(b) Two shall be appointed by the governor from a list of at least four nominees who shall be incumbent chiefs of police, submitted by the chiefs of police of the Washington association of sheriffs and chiefs of police; vacancies caused by expiration of a term or otherwise of one of these two members shall be filled by appointment by the governor from a list of at least three nominees, who shall be incumbent chiefs of police, submitted by the chiefs of police of the Washington association of sheriffs and chiefs of police;

(c) One shall be appointed by the governor from a list of at least three nominees, who shall be incumbent county commissioners, submitted by the

Law enforcement officers' training commission. Membership.

Washington state association of county commissioners; a vacancy caused by expiration of a term or otherwise of the member shall be filled in the same manner as the original appointment;

(d) One shall be appointed by the governor from *a list of at least three nominees, who shall be incumbent executive officers of cities within the state, submitted by the association of Washington cities*; a vacancy caused by expiration of a term or otherwise of this member shall be filled in the same manner as the original appointment.

(2) Three members shall be:

(a) The attorney general, or his duly designated representative;

(b) The chief of the Washington state patrol, or his duly designated representative; and

(c) The special agent in charge of the Seattle office of the Federal bureau of investigation, or his duly designated representative.

Terms.

SEC. 4. *Terms.* All members of the commission appointed by the governor shall be appointed for terms of four years, such terms to commence on July first, and expire on June thirtieth: *Provided,* That of the members first appointed, three shall be appointed for two year terms expiring on June thirtieth, nineteen hundred and sixty-seven, and three shall be appointed for four year terms expiring on June thirtieth, nineteen hundred and sixty-nine: *Provided, further,* That the terms of the two members appointed as sheriff shall not expire in the same year nor shall the terms of the two members appointed as chiefs expire in the same year. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member he is to succeed. Any member may be reappointed for additional terms.

SEC. 5. *Cessation of Members.* Any member of the commission appointed pursuant to section 3 (1) of this act as an incumbent sheriff, chief of police, county commissioner or executive officer of a city, as the case may be, shall immediately upon the termination of his holding of said office or employment, cease to be a member of the commission.

Cessation of members.

SEC. 6. *Chairman and Vice Chairman; Quorum; Meetings.* The commission shall select a chairman and a vice chairman from among its members. Five members of the commission shall constitute a quorum. The attorney general shall summon the commission to its first meeting.

Chairman and vice chairman; quorum; meetings.

Meetings may be called by the chairman and shall be called by him upon the written request of five members.

SEC. 7. *Compensation.* Members of the commission shall receive no compensation, but shall be reimbursed for their actual and necessary travel expenses incurred in the performance of their duties. For purposes of compensation, attendance at meetings of the commission shall be deemed performance by a member of the duties of his local or state governmental employment.

Compensation.

SEC. 8. *Powers and Duties.* The commission shall have all of the following powers:

Powers and duties.

(1) (a) To meet at such times and places as it may deem proper;

(b) To employ an executive secretary and such clerical and technical assistants as may be necessary;

(c) To contract with such other agencies, public or private, or persons as it deems necessary for the rendition and affording of such services, facilities, studies, and reports as will best assist it to carry out its duties and responsibilities;

Law enforcement officers' training commission. Powers and duties.

(d) To cooperate with and secure the cooperation of every department, agency, or instrumentality in state government;

(e) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of its duties and responsibilities, and in performing its other functions; and

(f) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it.

(2) All rules adopted by the commission shall be adopted and amended pursuant to the "Administrative Procedure Act".

(3) In exercising its functions the commission shall endeavor to minimize costs of administration, so that the greatest possible proportion of the funds available to it shall be expended for the purposes of providing training for local law enforcement officers. All expenses for the operation of the commission shall be a proper charge against the revenue accruing under the provisions of this act.

Exemption.

SEC. 9. *Exemption.* The provisions of this act shall not apply to cities of the first class having a population in excess of one hundred thousand, nor to class AA and class A counties: *Provided*, That such cities and counties may accept and the commission may provide to them, certification and such training at such times, places, and under such terms as may be agreed upon by the commission and the governing body of such city or county.

Biennial report.

SEC. 10. *Biennial Report.* On or before the thirtieth day of November in each even-numbered year the commission shall submit to the governor a report showing its activities and expenditures.

SEC. 11. *Standards.* For the purpose of raising Standards. the level of competence of local law enforcement officers, the commission shall adopt, and may, from time to time amend, rules establishing minimum standards, relating to physical, mental, and moral fitness, which shall govern the recruitment of law enforcement officers by any municipality receiving state aid pursuant to this act or certification by the commission, and it shall adopt, and may, from time to time amend rules establishing and prescribing:

(1) The requirements of minimum basic training which law enforcement officers appointed to probationary terms shall complete before being eligible for certification by the commission and the time within which basic training must be completed following such appointment to the probationary term;

(2) Categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to such categories or classifications.

SEC. 12. *Approving Existing Programs.* In establishing standards for recruitment and training, the commission may, so far as consistent with the purposes of sections 11 through 14 of this act, permit required training of any law enforcement officer of any municipality to be obtained at existing institutions approved for such training by the commission.

Approving existing programs.

SEC. 13. *Adherence to Standards.* The commission shall make such inquiries as may be necessary to determine whether every municipality receiving certification or state aid pursuant to this act is adhering to the standards for recruitment and training established pursuant to sections 11 through 14 of this act.

Adherence to standards.

SEC. 14. *Legislative Intent.* In enacting this act the legislature intends that all municipalities of the state should be encouraged to maintain, to the ex-

Legislative intent.

Law enforcement officers' training commission. Legislative intent.

tent possible, standards of police training which are higher than the minimum standards adopted by the commission; and the minimum standards adopted by the commission shall in no way be deemed sufficient or adequate in the case of any municipality the appropriate authorities of which have established or propose to establish standards higher than such minimum standards.

Creation of fund.

SEC. 15. *Creation of Fund.* There is hereby created in the general fund of the state treasury a Law Enforcement Officers' Training Fund which shall be used exclusively for costs of administration and for grants to local governments pursuant to sections 15 through 20 of this act.

RCW 10.82.070 amended.

SEC. 16. Section 3, page 421, Laws of 1873 as last amended by section 1, chapter 30, Laws of 1919, and RCW 10.82.070 are each amended to read as follows:

Disposition of certain fines, penalties and forfeitures.

Except as otherwise provided by law, all sums of money derived from fines imposed for violation of orders of injunction, mandamus and other like writs, or for contempt of court, and the net proceeds of all fines collected within the several counties of the state for breach of the penal laws, and all funds arising from the sale of lost goods and estrays, and from penalties and forfeitures, shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued, and shall be by him transmitted to the state treasurer, who shall place the same to the credit of the Law Enforcement Officers' Training Fund in an amount not to exceed twenty-five thousand dollars annually and the remainder to the current state school fund. He shall indicate in such entries the source from which such money was derived.

Application for aid.

SEC. 17. *Application for Aid.* Any municipality which so desires to receive state aid pursuant to

sections 15 through 20 of this act shall make application to the commission for such aid. The application must be accompanied by a certified copy of an ordinance adopted by its governmental body providing that while receiving any state aid pursuant to sections 15 through 20 of this act, the municipality will adhere to the standards for recruitment and training established by the commission. The application shall contain such information as the commission may request.

SEC. 18. *Reimbursement of Municipalities; Amount; Reduction in Allocations.* The commission shall annually allocate and the state treasurer shall pay from the Law Enforcement Officers' Training Fund to each municipality which has applied and qualified for aid pursuant to sections 15 through 20 of this act a sum which will reimburse the municipality in an amount not to exceed one-half of the salary paid to each law enforcement officer meeting the recruitment standards and who participates in training, meeting the standards prescribed pursuant to this act, during the period when such officer is physically engaged in such training during the period covered by the allocation, plus one-half of necessary living expenses incurred by such officer which are necessitated by training requiring that he be away from his residence overnight, but not to exceed a maximum sum established by the commission. If the moneys in the Law Enforcement Officers' Training Fund budgeted by the commission for such salary and living expenses reimbursement are insufficient to allocate such amount to each participating municipality, the amount so allocated shall be reduced proportionately. In no event shall any allocation be made to any municipality which has not, throughout the period covered by the allocation, adhered to the recruitment and training standards established by

Reimbursement of municipalities; amount; reduction in allocations.

Law enforcement officers' training commission.

the commission as applicable to personnel recruited or trained by such municipality during such period.

Sec. 19. Funds; Control; Disbursement. All funds appropriated for the support of the commission, or available to its use, shall be under the direct jurisdiction of the commission, and all expenditures of said funds shall be covered by vouchers signed by the executive secretary, countersigned by the chairman, and submitted to the state treasurer for payment.

Severability.

SEC. 20. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of this act, or the application of the provision to other persons or circumstances is not affected.

Headings not law.

SEC. 21. Section headings as used in this act do not constitute any part of the law.

Passed the Senate March 5, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 23, 1965, with the exception of Section 19 and certain items in Section 3 which were vetoed.

Veto message.

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

"This bill creates a Law Enforcement Officers' Training Commission in order to improve standards of law enforcement throughout the state. I approve of this legislation in principle; however, I have vetoed certain items in section 3 and all of section 19.

"Section 3 provides that the membership of the commission shall include the Attorney General, the Chief of the State Patrol and the Special Agent in charge of the Seattle office of the FBI, or their respective designees. Six other members of the commission are to be appointed by the Governor; however, the bill restricts the appointing power of the Governor to nominees submitted by various associations of sheriffs, chiefs of police, county commissioners and cities.

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

"In exercise of the power of item veto, I have retained the basic make-up of the commission, in that the six appointive members of the commission must include two sheriffs, two chiefs of police, one county commissioner, and one executive officer of a city. Only the requirement that the appointments be made from restricted lists submitted to the Governor has been removed.

"Section 19 provides that funds appropriated or otherwise available to the commission shall be under the direct jurisdiction of the commission, and that vouchers shall be submitted to the State Treasurer. This is contrary to procedures established pursuant to the Budget and Accounting Act with respect to other state agencies. I do not believe that the legislature intended this commission to be exempt from the usual budgetary controls. Because I fear the provision is susceptible to that interpretation, I have vetoed section 19.

"The remainder of the bill is approved."

DANIEL J. EVANS,
Governor.

NOTICE

This page concludes the printing of the Laws of the 1965 Regular Session.

All Laws of the 1965 Extraordinary Session together with Index and Tables are contained in Volume 2.

AUTHENTICATION

REGULAR SESSION LAWS

I, A. Ludlow Kramer, Secretary of State of the State of Washington, do hereby certify that I have caused to be carefully compared the foregoing published laws passed by the Regular Session of the Thirty-Ninth Legislature of the State of Washington, held from January 11, 1965, until March 11, 1965, inclusive, with the original enrolled laws, now on file in my office, and find the same to be a full, true and correct copy of said originals with the exception of such corrections in spelling and use of words bracketed, thus [], as provided by law.

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

Dated at Olympia, Washington, this tenth day of December, 1965.



A. LUDLOW KRAMER,
Secretary of State