

CHAPTER 78
[Engrossed House Bill No. 237]
MISCELLANEOUS AND MUTUAL CORPORATIONS

AN ACT Relating to miscellaneous and mutual corporations; and amending section 19, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.095.

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

Section 1. Section 19, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.095 are each amended to read as follows:

The initial bylaws of a corporation shall be adopted by its board of directors. The power to alter, amend or repeal the bylaws or adopt new bylaws shall be vested in the board of directors unless otherwise provided in the articles of incorporation or the bylaws. The bylaws may contain any provisions for the regulation and management of the affairs of a corporation not inconsistent with law or the articles of incorporation; PROVIDED, That where the bylaws of an existing corporation prohibit voting by mail or by proxy or attorney-in-fact, and the quorum required by its bylaws for election of directors or transaction of other business has not been obtained at a shareholders' or members' meeting, for a period which includes at least two consecutive annual meeting dates, the board of directors shall have power to amend such bylaws to thereafter authorize voting by mail or by proxy or attorney-in-fact.

Passed the House January 30, 1970
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CHAPTER 79
[Engrossed House Bill No. 251]
COMMUNITY COLLEGES--
ANNUITY OR RETIREMENT INCOME PLANS

AN ACT Relating to community colleges; amending section 50, chapter 283, Laws of 1969 ex. sess. and RCW 28.85.575; amending section 50, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50-.575; declaring an emergency; providing an effective date; and providing for the expiration of a section thereof.

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

Section 1. Section 50, chapter 283, Laws of 1969 ex. sess. and RCW 28.85.575 are each amended to read as follows:

A faculty member or employee designated by the state board for community college education as being eligible to participate in such annuity or retirement income plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system or the Washington public employees' retirement system may choose to either: (1) Continue as an active, contributing member in either the Washington state teachers' retirement system or the Washington public employees' retirement system or (2) at his election made either (a) within one year of the date he first becomes eligible for membership in any retirement plan adopted by the state board for community college education or (b) at such later time when he shall have first established sufficient retirement credit in the Washington state teachers' retirement system or the Washington public employees' retirement system to qualify for deferred retirement allowances, choose to: ~~((a))~~ (i) continue as an inactive, noncontributing member in either the Washington state teachers' retirement system or the Washington public employees' retirement system and participate in the retirement or annuity plan adopted pursuant to RCW 28.85.571 through 28.85.575, or ~~((b))~~ (ii) terminate his membership in the Washington state teachers' retirement system or the Washington public employees' retirement system and participate in the retirement or annuity plan adopted pursuant to RCW 28.85.571 through 28.85.575. A faculty member or employee who chooses to terminate membership in the Washington state teachers' retirement system or the Washington public employees' retirement system may withdraw his accumulated contributions and interest in the teachers' retirement fund of the public employees' retirement fund upon written application to the board of trustees of the appropriate retirement system. Faculty members or employees who withdraw their accumulated contributions on and after the date of withdrawal of contributions, shall no longer be members of the Washington state teachers' retirement system or the Washington public

employees' retirement system and shall forfeit all rights of membership, including pension benefits, theretofore acquired under the Washington state teachers' retirement system or the Washington public employees' retirement system: PROVIDED, That such faculty member or employee who, upon attainment of eligibility for retirement under the Washington state teachers' retirement system or the Washington public employees' retirement system is still engaged in public educational employment, shall not be eligible to receive benefits under such retirement system until he ceases such public educational employment. Any retired faculty member or employee who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to seventy-five days in a school year without reduction of pension.

Sec. 2. Section 50, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.575 are each amended to read as follows:

A faculty member or employee designated by the state board for community college education as being eligible to participate in such annuity or retirement income plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system or the Washington public employees' retirement system may choose to either: (1) Continue as an active, contributing member in either the Washington state retirement system or the Washington public employees' retirement system, or (2) at his election made either (a) within one year of the date he first becomes eligible for membership in any retirement plan adopted by the state board for community college education or (b) at such later time when he shall have first established sufficient retirement credit in the Washington state teachers' retirement system or the Washington public employees' retirement system to qualify for deferred retirement allowances, choose to:

~~((a))~~ (i) continue as an inactive, noncontributing member in either the Washington state teachers' retirement system or the Washington public employees' retirement system and participate in the retirement or annuity plan adopted pursuant to RCW 28B.50.571 through 28B-

.50.575, or ((~~b~~)) (ii) terminate his membership in the Washington state teachers' retirement system or the Washington public employees' retirement system and participate in the retirement or annuity plan adopted pursuant to RCW 28B.50.571 through 28B.50.575. A faculty member or employee who chooses to terminate membership in the Washington state teachers' retirement system or the Washington public employees' retirement system may withdraw his accumulated contributions and interest in the teachers' retirement fund or the public employees' retirement fund upon written application to the board of trustees of the appropriate retirement system. Faculty members or employees who withdraw their accumulated contributions on and after the date of withdrawal of contributions, shall no longer be members of the Washington state teachers' retirement system or the Washington public employees' retirement system and shall forfeit all rights of membership, including pension benefits, theretofore acquired under the Washington state teachers' retirement system or the Washington public employees' retirement system: PROVIDED, That such faculty member or employee who, upon attainment of eligibility for retirement under the Washington state teachers' retirement system or the Washington public employees' retirement system is still engaged in public educational employment, shall not be eligible to receive benefits under such retirement system until he ceases such public educational employment. Any retired faculty member or employee who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to seventy-five days in a school year without reduction of pension.

NEW SECTION. Sec. 3. This 1970 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and the provisions of section 1 of this 1970 amendatory act shall take effect immediately: PROVIDED, That section 1 of this 1970 amendatory act shall only be effective until chapter 223, Laws of 1969

ex. sess. shall take effect, upon which date section 1 of this 1970 amendatory act shall become void and of no effect and section 2 of this 1970 amendatory act shall become effective.

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CHAPTER 80
[Engrossed House Bill No. 295]
MARIJUANA OFFENDERS--
REVIEW OF MINIMUM TERMS

AN ACT Relating to judicial administration; authorizing the fixing of minimum terms for certain offenders; and declaring an emergency.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. Notwithstanding any other provision of law to the contrary, the board of prison terms and paroles is hereby directed to review the mandatory portion of the minimum sentence of each offender presently incarcerated who was convicted of a crime relating to marijuana under charges brought pursuant to the provisions of chapter 69.33 RCW and who was sentenced under the provisions of RCW 69.33.410; and in its discretion in accordance with the hearing procedure prescribed under the provisions of RCW 9.95.007, the board may as to any such offender set aside the mandatory minimum term and make a new order fixing the minimum term of confinement which shall not be less than any minimum term of confinement applicable had the offender been sentenced under RCW 69.40.070: PROVIDED, That in the event there is not a mandatory minimum term applicable under RCW 69.40.070, then the board may set aside the mandatory portion of the minimum sentence and enter a new order fixing the minimum term of confinement: PROVIDED FURTHER, That in fixing the minimum term of confinement as provided under this section the board shall allow credit for time served by the offender pursuant to his original sentence. The board shall commence to review all such cases within sixty days after the effective date of this act and shall complete such review within one-hundred twenty days after the expiration of this sixty day period.

NEW SECTION. Sec. 2. This act is necessary for the immediate