

1970
SESSION LAWS
OF THE
STATE OF WASHINGTON

SECOND EXTRAORDINARY SESSION,
FORTY-FIRST LEGISLATURE

Convened January 12, 1970. Adjourned February 12, 1970.



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to Chapter 6, Laws of 1969.

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Code Reviser

**PERTINENT FACTS CONCERNING THE WASHINGTON
SESSION LAWS**

1. EDITIONS AVAILABLE

- (a) *General information.* The session laws are printed successively in two editions;
 - (i) a temporary pamphlet edition consisting of a series of one or more paper bound pamphlets, which are published as soon as possible following the session, at random dates as accumulated; followed by
 - (ii) a bound volume edition containing the accumulation of all laws adopted in the legislative session. Commencing with the 1969 session, the style and page format of the bound volume edition are identical with that of the temporary edition. Both editions are accompanied by a subject index and tables indicating code sections affected.
- (b) *Temporary pamphlet edition—where and how obtained—price.* The temporary session laws may be ordered from the Statute Law Committee, Legislative Building, Olympia, Washington 98501 at one dollar per set, remittance to accompany order. (No sales tax required)
- (c) *Permanent bound edition—when and how obtained—price.* The permanent bound edition of the session laws may be ordered from the State Law Librarian, Temple of Justice, Olympia, Washington 98501 at four dollars per volume. (No sales tax required.) The laws of the 1970 extraordinary session will be published in one volume. All orders must be accompanied by remittance.

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

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

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

3.—PARTIAL VETOES

- (a) Vetoed matter is boxed and marginally noted as in the following examples:
 - (i) association, partnership, society, or any other organization V
 - (ii) (3) "Community Mental Health Program" means any consciously adopted program designed to help people learn to avoid mental crisis. "Crisis" is any personal distress, acute or chronic. V
- (b) Pertinent excerpts of the governor's explanation of partial veto are printed at the end of the chapter concerned.

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

5. EFFECTIVE DATE OF LAWS

- (a) The state Constitution provides that unless otherwise qualified, the laws of any session take effect ninety days after adjournment sine die. The pertinent date for the 1970 extraordinary session is May 14, 1970 (midnight May 13).
- (b) Laws which carry an emergency clause take effect immediately upon approval by the Governor.
- (c) Laws which prescribe an effective date, take effect upon that date.

6. INDEX AND TABLES

An index and tables of all laws of the 1970 extraordinary session may be found at the back of the book.

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CHAPTER 1
[House Bill No. 190]
APPROPRIATIONS--LEGISLATIVE EXPENSE
AND MEMBERS' SUBSISTENCE

AN ACT Relating to the expenses and costs of the legislature including subsistence payments and expenses of members; making appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated out of the state general fund to the legislature the sum of one million one hundred seventy-seven thousand two hundred ninety dollars (\$1,177,290), or so much thereof as may be necessary for the purpose of paying the expenses and costs of the legislature including payment to members of the legislature and the president of the Senate in lieu of subsistence and lodging while in attendance at the second extraordinary session of the forty-first legislature, and for members mileage. From the amount hereby appropriated:

(1) The Senate shall not expend more than five hundred thirty-one thousand one hundred sixty-five dollars (\$531,165); and

(2) The House of Representatives shall not expend more than six hundred forty-six thousand one hundred twenty-five dollars (\$646,125): 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.

NEW SECTION. Sec. 2. 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 and section 5, chapter 212, Laws of 1969 extraordinary session, salaries, wages and operations, the sum of thirty-six thousand four hundred dollars (\$36,400) or so much thereof as is necessary, to pay additional costs related to preparing and drafting bills for the legislature and the legislative information system.

NEW SECTION. Sec. 3. This act is necessary for the immedi-

ate 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 17, 1970

Passed the Senate January 17, 1970

Approved by the Governor January 19, 1970

Filed in Office of Secretary of State January 19, 1970

CHAPTER 2

[Engrossed Senate Bill No. 8]

UNEMPLOYMENT COMPENSATION

AN ACT Relating to unemployment compensation; amending section 3, chapter 35, Laws of 1945 and RCW 50.04.020; amending section 4, chapter 35, Laws of 1945 as amended by section 1, chapter 214, Laws of 1949 and RCW 50.04.030; amending section 33, chapter 35, Laws of 1945 as last amended by section 2, chapter 8, Laws of 1953 ex. sess. and RCW 50.04.320; amending section 68, chapter 35, Laws of 1945 as last amended by section 3, chapter 266, Laws of 1959 and RCW 50.20.010; amending section 73, chapter 35, Laws of 1945 as last amended by section 8, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.050; amending section 74, chapter 35, Laws of 1945 as last amended by section 9, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.060; amending section 3, chapter 286, Laws of 1955 and RCW 50.20.030; amending section 80, chapter 35, Laws of 1945 as last amended by section 2, chapter 321, Laws of 1959 and RCW 50.20.120; amending section 83, chapter 35, Laws of 1945 as amended by section 5, chapter 215, Laws of 1951 and RCW 50.20.150; amending section 89, chapter 35, Laws of 1945 as amended by section 18, chapter 214, Laws of 1949 and RCW 50.24.010; adding new sections to chapter 35, Laws of 1945, and to Title 50 RCW, as a new chapter therein; repealing sections 10, 11, 12, 15, and 16, chapter 286, Laws of 1955 and RCW 50.28.010 through 50.28.030, 50.28.050, and 50.28.060; repealing section 3, chapter 235, Laws of 1949 as last amended by section 13, chapter 286, Laws of 1955 and RCW 50.28.040; and declaring

an emergency.

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

Section 1. Section 3, chapter 35, Laws of 1945 and RCW 50.04-.020 are each amended to read as follows:

"Base year" (~~means the last calendar year preceding the first day of the benefit year~~) with respect to each individual, shall mean the first four of the last five completed calendar quarters immediately preceding the first day of the individual's benefit year.

Sec. 2. Section 4, chapter 35, Laws of 1945 as amended by section 1, chapter 214, Laws of 1949 and RCW 50.04.030 are each amended to read as follows:

"Benefit year" (~~means the period beginning with the first full calendar week in July and ending the following calendar year with the last calendar week beginning in June~~) with respect to each individual, means the fifty-two consecutive week period beginning with the first day of the calendar week with respect to which the individual files an application for an initial determination and thereafter the fifty-two consecutive week period beginning with the first day of the calendar week with respect to which the individual next files an application for an initial determination after the termination of his last preceding benefit year: PROVIDED, HOWEVER, That an individual's benefit year is not established unless the determination shows the applicant to have met the wage and employment conditions fixed by law as the minimum for the receipt of benefits: PROVIDED, FURTHER, That an individual's benefit year shall be extended to be fifty-three weeks when at the expiration of fifty-two weeks the establishment of a new benefit year would result in the use of a quarter of wages in the new base year that had been included in the individual's prior base year.

Sec. 3. Section 33, chapter 35, Laws of 1945 as last amended by section 2, chapter 8, Laws of 1953 ex. sess. and RCW 50.04.320 are each amended to read as follows:

For the purpose of payment of contributions, "wages" means the

~~((first-three-thousand-dollars-of))~~ remuneration paid by one employer during any calendar year to an individual in its employment under this title or the unemployment compensation law of any other state in the amount specified in section 8 of this 1970 amendatory act.

~~((After-December-31,-1959))~~ If an employer (hereinafter referred to as a successor employer) during any calendar year acquires substantially all the operating assets of another employer (hereinafter referred to as a predecessor employer) or assets used in a separate unit of a trade or business of a predecessor employer, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor employer, then, for the purposes of determining ~~((whether-the-successor-employer-has-paid-remuneration-equal-to-three-thousand-dollars))~~ the amount of remuneration paid by the successor employer to such individual during such calendar year which is subject to contributions, any remuneration paid to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer.

For the purpose of payment of benefits, "wages" means the remuneration payable by one or more employers to an individual for employment under this title during ~~((one-calendar))~~ his base year.

"Remuneration" means all compensation paid for personal services, including commissions and bonuses and the cash value of all compensation paid in any medium other than cash. The reasonable cash value of compensation paid in any medium other than cash and the reasonable value of gratuities shall be estimated and determined in accordance with rules prescribed by the commissioner.

Sec. 4. Section 68, chapter 35, Laws of 1945 as last amended by section 3, chapter 266, Laws of 1959 and RCW 50.20.010 are each amended to read as follows:

An unemployed individual shall be eligible to receive waiting period credits or benefits with respect to any week only if the com-

missioner finds that

(1) he has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which he finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title;

(2) he has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this title;

(3) he is able to work, and is available for work in any trade, occupation, profession, or business for which he is reasonably fitted. To be available for work an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or his agents;

(4) he has been unemployed for a waiting period of one week;
(and)

(5) he has within ~~((the))~~ his base year ~~((been-paid-wages-of not-less-than-the-minimum-amount-now-or-hereafter-fixed-by-law-as-the minimum-amount-to-be-earned-in-order-to-allow-the-individual-to-receive-unemployment-benefits))~~

(a) had both employment in not less than sixteen weeks, in each of which he earned not less than fifteen percent of the "average weekly wage" rounded to the next lower multiple of one dollar, and earned total wages of not less than fifteen percent of the "average annual wage" rounded to the next lower multiple of fifty dollars; or, in the alternative,

(b) had not less than six hundred hours of employment, and earned total wages of not less than fifteen percent of the "average annual wage" rounded to the next lower multiple of fifty dollars: PROVIDED, HOWEVER, That if the base year wages of the individual's current benefit year, for any benefit year beginning after July 3, 1971, include wages earned prior to the establishment of a prior benefit year, the individual shall not be eligible for benefits, unless, in addition to the other requirements of this section, he has earned wages in the last six months of his base year equal to at least six times the weekly benefit amount to which he would otherwise have been entitled: PROVIDED FURTHER, That for benefit years beginning prior to July 4, 1971, any unemployed individual who earned wages of not less than fifteen percent of the "average annual wage" for calendar year 1969 in his base year shall be deemed to have met the eligibility requirements of this subsection.

If the wages of an individual are not based upon a fixed duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week shall be determined in such manner as the commissioner may by regulation prescribe. Such regulation shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid his wages at regular intervals.

Sec. 5. Section 80, chapter 35, Laws of 1945 as last amended by section 2, chapter 321, Laws of 1959 and RCW 50.20.120 are each amended to read as follows:

(1) Subject to the other provisions of this title benefits shall be payable to any eligible individual during ((the)) his benefit year in a maximum amount equal to the lesser of thirty times the weekly benefit amount (determined hereinafter) or one-third of the individual's base year wages under this title.

(2) An individual's weekly benefit amount shall be ((in-a minimum)) an amount ((of-seventeen-dollars-for-the-first-one-hundred

twenty-five-dollars-or-portion-thereof-in-excess-of-seven-hundred ninety-nine-dollars-and-ninety-nine-cents-of-base-year-wages,-in-creasing-one-dollar-for-each-one-hundred-twenty-five-dollars-or-portion-thereof-of-said-individual's-base-year-wages-earned-thereafter, with-a-maximum-amount-payable-weekly-of-not-more-than-forty-two-dollars)) equal to one twenty-fifth of his total wages during that quarter of his base year in which such total wages were highest, except that if such computed amount is less than seventeen dollars, the weekly benefit amount shall be deemed to be seventeen dollars. The maximum amount payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th. The maximum amount payable weekly shall be fifty percent of the "average weekly wage" for the calendar year preceding such June 30th: PROVIDED, That if any ((maximum)) weekly benefit or maximum benefit amount computed herein is not a multiple of one dollar, it shall be adjusted to the nearest multiple of one dollar, except that if the computed amount ends in fifty cents, it shall be ((~~adjusted~~)) adjusted to the next higher multiple of one dollar.

NEW SECTION. Sec. 6. There is added to chapter 35, Laws of 1945 and to Title 50 RCW a new section to read as follows:

On or before the fifteenth day of June of each year an "average annual wage" and an "average weekly wage" shall be computed for the preceding calendar year from information for the preceding calendar year reported by all employers as defined in RCW 50.04.080 on employers' contribution reports (including corrections thereof) filed within three months after the close of that year. The "average annual wage" is the quotient derived by dividing total remuneration reported by all employers by the average number of workers reported for all months and rounding to the next lower multiple of one dollar. The average annual wage thus obtained shall be divided by fifty-two and rounded to the next lower multiple of one dollar to determine the "average weekly wage".

Sec. 7. Section 83, chapter 35, Laws of 1945, as amended by section 5, chapter 215, Laws of 1951 and RCW 50.20.150 are each amended to read as follows:

The applicant for initial determination, his most recent employing unit as stated by the applicant, and any other interested party which the commissioner by regulation prescribes, shall, if not previously notified within the same continuous period of unemployment, be given notice promptly in writing that an application for initial determination has been filed and such notice shall contain the reasons given by the applicant for his last separation from work. If, during ((the)) his benefit year, the applicant becomes unemployed after having accepted subsequent work, and ((~~files a claim for waiting period credit or~~)) reports for the purpose of reestablishing his eligibility for benefits, a similar notice shall be given promptly to his then most recent employing unit as stated by him, or to any other interested party which the commissioner by regulation prescribes.

Each base year employer shall be promptly notified of the filing of any application for initial determination which may result in a charge to his account.

Sec. 8. Section 89, chapter 35, Laws of 1945 as amended by section 18, chapter 214, Laws of 1949 and RCW 50.24.010 are each amended to read as follows:

Contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this title at the rate of two and seven-tenths percent of wages paid ((-)) each employee, except for such rates as determined for qualified employers according to sections 10 through 18 of this 1970 amendatory act: PROVIDED, That if, as of any June 30th, the amount in the unemployment compensation fund is less than three and one-half percent of total remuneration paid by all employers during the preceding calendar year and reported on or before the March 31st following such year, contributions for the following calendar year for all employers shall be

payable at the rate of three percent of wages subject to tax.

The amount of wages subject to tax for each individual as of January 1, 1971, shall be four thousand two hundred dollars. If the amount in the unemployment compensation fund on any June 30th, after January 1, 1971, is less than four and one-half percent of total remuneration paid by all employers during the preceding calendar year and reported on or before the March 31st following such year, the amount of wages subject to tax shall increase on the January 1st next following by six hundred dollars: PROVIDED, That the amount of wages subject to tax in any calendar year shall not exceed seventy-five percent of the "average annual wage" for the second preceding calendar year rounded to the next lower multiple of three hundred dollars.

Contributions shall become due and be paid by each employer to the treasurer for the unemployment compensation fund in accordance with such regulations as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in employment of the employer. Any deduction in violation of the provisions of this section shall be unlawful.

In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

NEW SECTION. Sec. 9. Sections 10 through 18 of this 1970 amendatory act shall be added to chapter 35, Laws of 1945 and to Title 50 RCW, and shall constitute a new chapter in said Title 50 RCW.

NEW SECTION. Sec. 10. As used in this chapter:

"Computation date" means July 1st of any year;

"Cut-off date" means August 31st next following the computation date;

"Rate year" means the calendar year immediately following the computation date;

"Experience rating year" is the twelve-month period beginning with July 1st of one calendar year and ending on June 30th of the

following calendar year;

"Payroll" means all wages (as defined for contribution purposes) paid by an employer to individuals in his employment;

"Acquire" means the right to occupy or use the operating assets formerly in the possession of a predecessor employer whether that acquisition be by purchase, lease, gift, or by any legal process;

"Qualified employer" means: (1) Any employer as of the computation date who had some employment in the twelve-month period immediately preceding April 1st of the first of the three consecutive calendar years immediately preceding the computation date and who had no period of four or more consecutive calendar quarters in such three years for which he reported no employment, except that no employer shall be deemed a qualified employer unless all contributions required under this title from him or his predecessors for the thirty-six month period immediately preceding the computation date have been paid prior to the cut-off date; or (2) Any employer as of the computation date who has not been subject to this title for a period of time sufficient to be classified as a qualified employer under the provision of subdivision (1) of this paragraph but who had some employment in the twelve-month period immediately preceding April 1st of the first of the two consecutive calendar years immediately preceding the computation date and who had no period of four or more consecutive calendar quarters in such two years for which he reported no employment, except that no employer shall be deemed a qualified employer unless all contributions required under this title from him or his predecessors for the twenty-four month period immediately preceding the computation date have been paid prior to the cut-off date: PROVIDED, That when an employer or prospective employer has acquired all or substantially all of the operating assets of an employer, or has acquired an operating department, section, division, or any substantial portion of the business or assets of any employer, which is clearly segregable and identifiable for experience rating purposes,

the payroll record and benefit charges of the transferring employer shall be divided between the transferring and acquiring employers in proportion to the payrolls for the four preceding completed calendar quarters attributable to the operating assets retained and conveyed. The successor employer shall be liable for contributions on the acquired business from the date the transfer of the business occurred. The separate account of a predecessor or that part thereof which is transferred shall become the separate account or part of separate account as the case may be of the successor employer.

"Surplus" is an amount of moneys in the unemployment compensation fund deemed in excess of the amount needed to insure the solvency of the fund. The "surplus" is determined in the following manner:

(1) For computations prior to January 1, 1974, the total remuneration paid during the calendar year preceding the computation date shall be multiplied by four percent and the product shall be subtracted from the amount in the fund as of the June 30th immediately preceding the computation date. If that balance is at least one-tenth of one percent of the total remuneration paid during the calendar year, that portion of the balance not exceeding forty one-hundredths of one percent of the total remuneration paid during the preceding calendar year shall be deemed "surplus". Total remuneration paid in this computation is limited to remuneration paid during the calendar year preceding the computation date and reported to the department of employment security on or before the March 31st immediately preceding the computation date.

(2) For computations subsequent to January 1, 1974, the allowable "surplus" shall be computed by use of the following table. Column A represents the ratio of the unemployment compensation fund as of the June 30th preceding the computation date to total remuneration for the preceding calendar year. The percentage figures in Column B represent the maximum percentage of total remuneration during the preceding calendar year which may be deemed as "surplus" in view

of the corresponding figures in Column A. No amount of the fund shall be declared surplus if the balance in the fund as of the June 30th immediately preceding the computation date is not at least one-tenth of one percent of total remuneration paid during the preceding calendar year in excess of four percent of total remuneration paid during the preceding calendar year. The percentage amount of total remuneration during the preceding calendar year, column B, may be deemed surplus only to the extent that the balance remaining in the unemployment compensation fund exceeds four percent of the total remuneration paid during the preceding calendar year. Total remuneration paid in this computation is limited to remuneration paid during the calendar year preceding the computation date and reported to the department of employment security on or before the March 31st immediately preceding the computation date.

<u>Column A</u>	<u>Column B</u>
4.1% but less than 4.8%	0.40%
4.8% but less than 5.2%	0.55%
5.2% or more	0.70%

NEW SECTION. Sec. 11. An experience rating account shall be established and maintained for each employer based on existing records of the employment security department and shall be effective beginning with July 1, 1967. Benefits paid to any eligible individuals for benefit years beginning subsequent to June 30, 1967, shall be charged to the experience rating accounts of each of his employers during his base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year; except that benefits paid to an individual under the provisions of RCW 50-.12.050 shall not be charged to the account of any employer if the wage credits earned in this state by the individual during his base year are less than the minimum amount necessary to qualify the individual for unemployment benefits.

NEW SECTION. Sec. 12. For the purpose of prorating benefit

charges "wages" shall mean "wages" as defined for purpose of payment of benefits in section 3 of this 1970 amendatory act.

NEW SECTION. Sec. 13. For the rate year 1971 and each rate year thereafter an annual decrease quotient factor and a benefit charge-back factor shall be computed for each qualified employer, each to be determined as provided in subsections (1) and (2) hereof respectively:

(1) To determine a qualified employer's average annual decrease quotient his payroll for the three experience rating years immediately preceding the computation date shall be listed in chronological order. The first annual decrease quotient shall be obtained by dividing any decrease in his payroll between the first and second of his experience rating years by the payroll for the first of such years, the division being carried to the fourth decimal place, with the remaining fraction, if any, disregarded. The second annual decrease quotient shall be obtained by dividing any decrease in his payroll between the second and third of the listed experience rating years by the payroll for the second listed year, the division being carried to the fourth decimal place, with the remaining fraction, if any, disregarded. The employer's average annual decrease quotient shall be obtained by adding his first and second decrease quotients, if any, and dividing by two. The employer's average annual decrease quotient shall determine the point value to be assigned to such employer as his annual decrease quotient factor in accordance with the following schedule.

The annual decrease quotient of a qualified employer who has payrolls for fewer than three experience rating years shall be obtained by dividing any decrease of the employer's payroll in the experience rating year immediately preceding the computation date from the payroll in the preceding experience rating year by the amount of the payroll in such preceding experience rating year, such division being carried to the fourth decimal place, with the remaining fraction, if any, disregarded. This annual decrease quotient shall be

deemed to be his average annual decrease quotient and shall determine the point value to be assigned to such employer as his annual decrease quotient factor in accordance with the following schedule:

<u>Annual Decrease Quotient</u>	<u>Point Value</u>
0.0000-0.0124	10
0.0125-0.0249	9
0.0250-0.0374	8
0.0375-0.0499	7
0.0500-0.0749	6
0.0750-0.0999	5
0.1000-0.1499	4
0.1500-0.1999	3
0.2000-0.2499	2
0.2500 or more	1

(2) The charge-back ratio for a qualified employer shall be the quotient obtained by dividing the total benefits charged to his account during the thirty-six consecutive month period immediately preceding the computation date by his payroll for the same thirty-six month period as reported not later than August 31 immediately following the computation date, except that the charge-back ratio of any qualified employer whose account has been chargeable for a period of fewer than thirty-six months immediately prior to the computation date shall be the quotient obtained by dividing total benefits charged to his account, prior to the computation date, by his payroll set forth as follows: The payroll shall be that reported by August 31 immediately following the computation date, for the period beginning with the first day of the second calendar quarter following the calendar quarter in which he became liable, and through the end of the calendar quarter immediately preceding the computation date. The charge-back ratios shall be extended to four decimal places, with the remaining fraction, if any, disregarded. The charge-back ratios so obtained shall determine the point value to be assigned each employer as his charge-back factor in accordance with the following

schedule:

<u>Charge-Back Ratios</u>	<u>Point Value</u>
Less than 0.0010	10
0.0010-0.0039	9
0.0040-0.0079	8
0.0080-0.0119	7
0.0120-0.0159	6
0.0160-0.0199	5
0.0200-0.0219	4
0.0220-0.0239	3
0.0240-0.0269	2
0.0270 and over	1

NEW SECTION. Sec. 14. The annual decrease-quotient point value for each qualified employer shall be added to his charge-back point value and this sum shall designate his rate class. For the rate year 1971 and each rate year thereafter the contribution rate for each qualified employer shall be the "class rate" determined for that class into which the employer is placed by application of this section.

(1) A "class weight" shall be assigned to each rate class as follows:

<u>Rate Class</u>	<u>Class Weight</u>
20	9.0
19	8.5
18	8.0
17	7.5
16	7.0
15	6.5
14	6.0
13	5.5
12	5.0
11	4.5
10	4.0

9	3.5
8	3.0
7	2.5
6	2.0
5	1.5
4	1.0
3	0.5
2	0.0

(2) A "class product" for each rate class shall be obtained by dividing the total of the taxable payrolls for the experience rating year immediately preceding the computation date for all qualified employers in the rate class by the total of the taxable payrolls of all qualified employers for such experience rating year, such division being carried to the sixth decimal place with the remaining fraction, if any, disregarded, and multiplying the quotient by the class weight for that rate class.

(3) The surplus to be credited to each rate class shall be the product obtained by multiplying the surplus to be credited to all employers by the quotient of the class product for the class divided by the sum of the class products for all classes, such division being carried to the sixth decimal place with the remaining fraction, if any, disregarded. No portion of the surplus shall be credited to rate class 2.

(4) A "class credit factor" shall be obtained for each rate class by dividing the portion of the surplus assigned to the class by the sum of the payrolls of all employers in that class for the experience rating year immediately preceding the computation date, such division being carried out to the fourth decimal place and the remaining fraction, if any, disregarded.

(5) The "class rate", expressed as a percent, for each rate class shall be derived by subtracting the class credit factor for that rate class from .0270 and multiplying this result by one hundred.

NEW SECTION. Sec. 15. Effective January 1, 1971, predecessor

and successor employer contribution rates shall be computed in the following manner:

(1) If the successor is an employer at the time of the transfer, his contribution rate shall remain unchanged for the remainder of the rate year in which the transfer occurs.

(2) The contribution rate on any payroll retained by a predecessor employer shall remain unchanged for the remainder of the rate year in which the transfer occurs.

(3) If the successor is not an employer at the time of the transfer, he shall pay contributions for the remainder of the rate year in which the transfer occurs at the rate assigned to the predecessor employer.

(4) If the successor is not an employer at the time of the transfer and simultaneously acquires the business or a portion of the business of two or more employers, his rate from the date the transfer occurred shall be the same as the highest rate assigned to one of the predecessors.

(5) In all cases, from and after January 1 following the transfer, the successor's contribution rate for each rate year shall be based on his experience with payrolls and benefits combined with the experience of his predecessor or predecessors, as of the regular computation date for that rate year.

(6) In all cases, from and after January 1 following the transfer, the predecessor's contribution rate for each rate year shall be based on his experience with payrolls and benefits, as of the regular computation date for that rate year, excluding therefrom such experience as was credited to the successor or successors under other provisions of this title: PROVIDED, That if all of the predecessor's experience with payrolls and benefits is transferred to a successor or successors the predecessor shall not be a qualified employer within the meaning of section 10 of this act until his account following the date of the transfer has been chargeable with benefits throughout not less than thirty-six consecutive months immediately

preceding the computation date.

NEW SECTION. Sec. 16. Within a reasonable time after the computation date, each employer shall be notified of the total amount of benefits charged to his account during the twelve-month period immediately preceding the computation date and, upon request, the amount of such charges with respect to each individual receiving unemployment benefits charged to his account.

Within a reasonable time after the computation date each employer shall be notified of his rate of contribution as determined for the succeeding rate year.

Any employer dissatisfied with the benefit charges made to his account or with his determined rate may file a request for review and redetermination with the commissioner within thirty days of the mailing of the notice to the employer, showing the reason for such request. Should such request for review and redetermination be denied, the employer may, within ten days of the mailing of such notice of denial, file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of review and redetermination under this section.

NEW SECTION. Sec. 17. The commissioner may redetermine any contribution rate if, within three years of the rate computation date, he finds that the rate as originally computed was erroneous.

In the event that the redetermined rate is lower than that originally computed the difference between the amount paid and the amount which should have been paid on the employer's taxable payroll for the rate year involved shall be established as a credit against his tax liability; however, if the redetermined rate is higher than that originally computed the difference between the amount paid and the amount which should have been paid on the employer's taxable payroll shall be assessed against the employer as contributions owing for the rate year involved.

The redetermination of an employer's contribution rate shall not affect the contribution rates which have been established for any other employer nor shall such redetermination affect any other computation made pursuant to this title.

The employer shall have the same rights to request review and redetermination as he had from his original rate determination.

NEW SECTION. Sec. 18. One-half the amount of experience rating credit to which an employer is determined to be entitled for the credit year beginning July 1, 1970, may be applied against contributions payable by him on wages paid in that credit year prior to January 1, 1971. The remaining half of the experience rating credit to which he is determined to be entitled for the credit year beginning July 1, 1970, and any credits not usable because they are in excess of the contributions due on wages paid during the period beginning July 1, 1970, and ending December 31, 1970, shall be canceled.

NEW SECTION. Sec. 19. There is added to chapter 35, Laws of 1945 and to Title 50 RCW a new section to read as follows:

(1) Any payments which an individual has claimed, is receiving or has received under a government and/or a private retirement pension plan, to which a base year employer has contributed on behalf of such individual, shall be deemed remuneration under this title for the purpose of determining eligibility and the amount of weekly benefits to which such an individual is entitled: PROVIDED, That in no event will Old Age and Survivors Insurance Benefits, under the provisions of Title II of the federal social security act, as amended, serve to reduce an individual's weekly benefit amount.

(2) Payments claimed or received under a government and/or a private pension plan shall not be considered wages subject to contributions under this title nor shall such payments be considered in determining base year earnings of the individual.

(3) In the event a retroactive retirement or pension payment covers a period in which an individual received benefits under the

provisions of this title, the excess paid over the amount to which he would have been entitled had such retirement or pension payment been considered, as provided in subsection (1) above, shall be recoverable under RCW 50.20.190: PROVIDED, HOWEVER, That any amounts which have been deducted from the weekly benefit amount by reason of the provisions of this section shall not be available for future benefits: PROVIDED, FURTHER, That no payments received on account of temporary or permanent disability rather than on account of age or length of service shall be considered compensation paid for personal services.

Sec. 20. Section 3, chapter 286, Laws of 1955 and RCW 50.20-.030 are each amended to read as follows:

A (~~pregnant~~) woman (~~shall be presumed to be unable to work and unavailable for work if she left her most recent work voluntarily~~) who voluntarily quits work because of pregnancy shall be disqualified from benefits for the week in which she quits and thereafter through the terminal week of her pregnancy: PROVIDED, HOWEVER, That in any event a pregnant woman shall be (~~ineligible to receive~~) disqualified from receiving benefits for any calendar week during the period beginning with the (~~tenth~~) seventeenth calendar week (~~before~~) immediately preceding the expected date of confinement, as determined by a doctor, and extending through the (~~fourth~~) sixth calendar week immediately following the week in which childbirth occurs.

Sec. 21. Section 73, chapter 35, Laws of 1945 as last amended by section 8, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.050 are each amended to read as follows:

An individual shall be disqualified (~~for~~) from benefits beginning with the first day of (~~for~~) the calendar week in which he has left work voluntarily without good cause and (~~for the five calendar weeks which immediately follow such week~~) thereafter until he has obtained work and earned wages of not less than his suspended weekly benefit amount in each of five calendar weeks: PROVIDED, That disqualification under this section shall not extend beyond the tenth

calendar week following the week in which such individual left work.

Sec. 22. Section 74, chapter 35, Laws of 1945, as last amended by section 9, chapter 8, Laws of 1953 first extraordinary session and RCW 50.20.060 are each amended to read as follows:

An individual shall be disqualified (~~(for)~~) from benefits (~~(for)~~) beginning with the first day of the calendar week in which he has been discharged or suspended for misconduct connected with his work and (~~(for-the-five-calendar-weeks-which-immediately-follow-such-week)~~) thereafter until he has obtained work and earned wages of not less than his suspended weekly benefit amount in each of five calendar weeks: PROVIDED, That disqualification under this section shall not extend beyond the tenth calendar week following the week in which such individual was discharged or suspended.

NEW SECTION. Sec. 23. There is added to chapter 35, Laws of 1945 and to Title 50 RCW a new section to read as follows:

An individual who has received the maximum amount allowable in his benefit year may, if otherwise eligible, draw "extended benefits" in those weeks in his benefit year which begin in an "extended benefit period" and, if his benefit year ends within such extended benefit period, in the next thirteen or fewer weeks which begin in such "extended benefit period": PROVIDED, That the individual shall not draw such "extended benefits" in any week during which he could establish entitlement to regular unemployment benefits under any state or federal law.

If a federal enactment provides for reimbursing the state for certain benefits paid for weeks of extended unemployment, the extended benefits shall be paid in the regular manner, and the reimbursements shall be credited to the unemployment compensation fund.

(1) "Extended benefits" are additional benefits payable at the weekly rate applicable for the individual during the benefit year for which he has received the maximum sum allowable. Extended benefits for an individual cannot exceed whichever is the lesser of thirteen times his weekly benefit amount or one-half his previous

entitlement, and the combined total of his regular unemployment compensation plus his extended benefits cannot exceed thirty-nine times his weekly amount.

(2) An "extended benefit period" means a period commencing with the third calendar week immediately following any thirteen-week period (known for purposes of this section as the thirteen-week computation period) during which the average rate of insured unemployment is equal to or greater than one hundred twenty percent of the average of the rates of insured unemployment for the corresponding thirteen-week periods in each of the two preceding calendar years and ending with the third week immediately following any thirteen-week period during which such rate was less than one hundred twenty percent of the average rate of insured unemployment for the corresponding thirteen-week periods in each of the two preceding years: PROVIDED, That an extended benefit period shall not commence unless the yearly average insured unemployment rate as computed at the end of the thirteen-week computation period is equal to at least five percent. No extended benefit period shall be less than thirteen weeks in length and no extended benefit period shall commence at any time an extended benefit period is already in effect.

(3) "Insured unemployment" for any week as used for this computation means the number of weeks of unemployment claimed in Washington for that week, excluding weeks of unemployment claimed in connection with unemployment compensation programs which are exclusively federal and excluding any weeks claimed by an individual following the week in which benefits based on his original entitlement were exhausted.

(4) "Insured employment" means the average monthly employment reported by employers for a twelve-month period.

(5) For purposes of this section the rate of "insured unemployment for any week" is the ratio obtained by dividing insured unemployment for that week by insured employment for the twelve-month period ending six months immediately prior to the calendar quarter

in which the week began.

(6) Rates of insured unemployment shall be computed for each calendar week. After each week the insured unemployment rates for the thirteen consecutive weeks ending with that week shall be averaged and the average shall be compared with the average of the rates of insured unemployment for the corresponding thirteen-week periods of the two preceding years. After each week the insured unemployment rates for the fifty-two consecutive weeks ending with that week shall be averaged to yield a yearly average insured unemployment rate. The commissioner shall by regulation prescribe how corresponding weeks are to be determined. Computations involving division shall be carried to four decimal places.

NEW SECTION. Sec. 24. Sections 10, 11, 12, 15 and 16, chapter 286, Laws of 1955 and RCW 50.28.010 through 50.28.030, 50.28.050 and 50.28.060, and section 3, chapter 235, Laws of 1949 as last amended by section 13, chapter 286, Laws of 1955 and RCW 50.28.040 are each hereby repealed. Such repeals shall not be construed as affecting any existing right to any redetermination, correction, or pending appeal involving any experience rating credit determination or redetermination.

NEW SECTION. Sec. 25. 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 April 5, 1970: PROVIDED, That sections 3 and 8 of this 1970 amendatory act shall not take effect until January 1, 1971.

Passed the Senate January 31, 1970
Passed the House January 31, 1970
Approved by the Governor February 6, 1970
Filed in Office of Secretary of State February 6, 1970

CHAPTER 3
[Engrossed Senate Bill No. 68]
ABORTION

AN ACT Relating to abortion; adding three new sections to chapter 249, Laws of 1909 and to chapter 9.02 RCW; and providing for sub-

mission of this act to a vote of the people.

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

NEW SECTION. Section 1. There is added to chapter 249, Laws of 1909, and to chapter 9.02 RCW a new section to read as follows:

Neither the termination by a physician licensed under chapters 18.71 or 18.57 RCW of the pregnancy of a woman not quick with child nor the prescribing, supplying or administering of any medicine, drug or substance to or the use of any instrument or other means on, such woman by a physician so licensed, nor the taking of any medicine, drug or substance or the use or submittal to the use of any instrument or other means by such a woman when following the directions of a physician so licensed, with the intent to terminate such pregnancy, shall be deemed unlawful acts within the meaning of this act.

NEW SECTION. Sec. 2. There is added to chapter 249, Laws of 1909, and to chapter 9.02 RCW a new section to read as follows:

A pregnancy of a woman not quick with child and not more than four lunar months after conception may be lawfully terminated under this act only: (a) with her prior consent and, if married and residing with her husband or unmarried and under the age of eighteen years, with the prior consent of her husband or legal guardian, respectively, (b) if the woman has resided in this state for at least ninety days prior to the date of termination, and (c) in a hospital accredited by the Joint Commission on Accreditation of Hospitals or at a medical facility approved for that purpose by the state board of health, which facility meets standards prescribed by regulations to be issued by the state board of health for the safe and adequate care and treatment of patients: PROVIDED, That if a physician determines that termination is immediately necessary to meet the medical emergency the pregnancy may be terminated elsewhere. Any physician who violates this section of this 1970 act or any regulation of the state board of health issued under authority of this section shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 3. There is added to chapter 249, Laws of

1909, and to chapter 9.02 RCW a new section to read as follows:

No hospital, physician, nurse, hospital employee nor any other person shall be under any duty, by law or contract, nor shall such hospital or person in any circumstances be required, to participate in a termination of pregnancy if such hospital or person objects to such termination. No such person shall be discriminated against in employment or professional privileges because he so objects.

NEW SECTION. 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.

NEW SECTION. Sec. 5. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November 1970, in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

Passed the Senate January 30, 1970

Passed the House February 4, 1970

Filed directly with Secretary of State by Secretary of Senate
February 9, 1970

CHAPTER 4
[Engrossed Senate Bill No. 18]
UNIFORM MINOR STUDENT CAPACITY
TO BORROW ACT

AN ACT Relating to minors; providing minor students with capacity to borrow; adding new sections to chapter 26.28 RCW; and providing an effective date.

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

NEW SECTION. Section 1. As used in this act:

(1) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(2) "Educational institution" means any university, college,

community college, junior college, high school, technical, vocational, or professional school, or similar institution, wherever located, which has been accredited by the Northwest Association of Higher and Secondary Institutions or approved by the state agency having regulatory powers over the class of schools to which the school belongs, or accredited or approved by the appropriate official, department, or agency of the state in which the institution is located.

(3) "Educational loan" means a loan or other aid or assistance for the purpose of furthering the obligor's education at an educational institution.

NEW SECTION. Sec. 2. Any written obligation signed by a minor sixteen or more years of age in consideration of an educational loan received by him from any person is enforceable as if he were an adult at the time of execution, but only if prior to the making of the educational loan an educational institution has certified in writing to the person making the educational loan that the minor is enrolled, or has been accepted for enrollment, in the educational institution.

NEW SECTION. Sec. 3. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

NEW SECTION. Sec. 4. This act may be cited as the "Uniform Minor Student Capacity to Borrow Act."

NEW SECTION. Sec. 5. This act shall take effect on July 1, 1970.

Passed the Senate January 28, 1970
Passed the House February 3, 1970
Approved by the Governor February 11, 1970
Filed in Office of Secretary of State February 11, 1970

CHAPTER 5
[Engrossed Senate Bill No. 288]
COMMUNITY COLLEGES

AN ACT Relating to community colleges; amending section 33, chapter 283, Laws of 1969 ex. sess. and RCW 28.85.851; amending section 33, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50-.851; amending section 44, chapter 283, Laws of 1969 ex. sess.

and RCW 28.85.868; amending section 44, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.868; declaring an emergency; providing an effective date; and providing for the expiration of sections thereof.

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

Section 1. Section 33, chapter 283, Laws of 1969 ex. sess. and RCW 28.85.851 are each amended to read as follows:

As used in RCW 28.85.850 through 28.85.869;

(1) "Tenure" shall mean a faculty appointment for an indefinite period of time which may be revoked only for adequate cause and by due process;

(2) "Faculty appointment" shall mean full time employment as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments; "faculty appointment" shall also mean department heads, division heads and administrators to the extent that such department heads, division heads or administrators have had or do have status as a teacher, counselor, or librarian;

(3) "Probationary faculty appointment" shall mean a faculty appointment for a designated period of time which may be terminated without cause upon expiration of the probationer's terms of employment;

(4) "Probationer" shall mean any individual holding a probationary faculty appointment;

(5) "Administrative appointment" shall mean employment in a specific administrative position as determined by the appointing authority;

(6) "Appointing authority" shall mean the board of trustees of a community college district;

(7) "Review committee" shall mean a committee composed of the probationer's faculty peers and the administrative staff of the community college providing that the majority of the committee shall

consist of the probationer's faculty peers.

Sec. 2. Section 44, chapter 283, Laws of 1969 ex. sess. and RCW 28.85.868 are each amended to read as follows:

~~((Faculty-members-currently))~~ All employees of a community college district, except presidents, who were employed in the ((state system-of-community-colleges-who-come-under-the-provisions-of-RCW 28:67:070-and-of-RCW-28:85:850-through-28:85:869)) community college district at the effective date of chapter 283, Laws of 1969 ex. sess. and who hold or have held a faculty appointment with the community college district or its predecessor school district shall be granted tenure by their appointing authority notwithstanding any other provision of RCW 28.85.850 through 28.85.869.

Sec. 3. Section 33, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.851 are each amended to read as follows:

As used in RCW 28B.50.850 through 28B.50.869:

(1) "Tenure" shall mean a faculty appointment for an indefinite period of time which may be revoked only for adequate cause and by due process;

(2) "Faculty appointment" shall mean full time employment as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments; "faculty appointment" shall also mean department heads, division heads and administrators to the extent that such department heads, division heads or administrators have had or do have status as a teacher, counselor, or librarian;

(3) "Probationary faculty appointment" shall mean a faculty appointment for a designated period of time which may be terminated without cause upon expiration of the probationer's terms of employment;

(4) "Probationer" shall mean an individual holding a probationary faculty appointment;

(5) "Administrative appointment" shall mean employment in a

specific administrative position as determined by the appointing authority;

(6) "Appointing authority" shall mean the board of trustees of a community college district;

(7) "Review committee" shall mean a committee composed of the probationer's faculty peers and the administrative staff of the community college providing that the majority of the committee shall consist of the probationer's faculty peers.

Sec. 4. Section 44, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.868 are each amended to read as follows:

~~((Faculty-members-currently))~~ All employees of a community college district, except presidents, who were employed in the ((state system-of-community-colleges-who-come-under-the-provisions-of-RCW 28A-67-070-and-of-RCW-28B-50-850-through-28B-50-869)) community college district at the effective date of chapter 283, Laws of 1969 ex. sess. and who hold or have held a faculty appointment with the community college district or its predecessor school district shall be granted tenure by their appointing authority notwithstanding any other provision of RCW 28B.50.850 through 28B.50.869.

NEW SECTION. Sec. 5. 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 sections 1 and 2 of this 1970 amendatory act shall take effect immediately: PROVIDED, That sections 1 and 2 of this 1970 amendatory act shall only be effective until chapter 223, Laws of 1969 ex. sess. shall take effect upon which date sections 1 and 2 of this 1970 amendatory act shall become void and of no effect and sections 3 and 4 of this 1970 amendatory act shall become effective.

Passed the Senate January 29, 1970
Passed the House February 4, 1970
Approved by the Governor February 11, 1970
Filed in Office of Secretary of State February 11, 1970

CHAPTER 6
[Engrossed House Bill No. 74]
WASHINGTON LAW ENFORCEMENT OFFICERS'
AND FIRE FIGHTERS' RETIREMENT

AN ACT Relating to the retirement and pensions of law enforcement officers and fire fighters; amending section 3, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.030; amending section 4, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.040; amending section 5, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.050; amending section 9, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.090; amending section 10, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.100; amending section 11, chapter 209, Laws of 1969 ex. sess. as amended by section 3, chapter 219, Laws of 1969 ex. sess. and RCW 41.26.110; amending section 12, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.120; amending section 13, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.130; amending section 14, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.140; amending section 15, chapter 209, Laws of 1969 ex. sess. as amended by section 4, chapter 219, Laws of 1969 ex. sess. and RCW 41.26.150; amending section 16, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.200; amending section 17, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.160; amending section 18, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.190; amending section 22, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.170; amending section 23, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.180; amending section 24, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.240; amending section 44, chapter 209, Laws of 1969 ex. sess. (uncodified); amending section 1, chapter 261, Laws of 1945 as amended by section 1, chapter 263, Laws of 1955 and RCW 41.24.010; amending section 3, chapter 261, Laws of 1945 as last amended by section 2, chapter 160, Laws of 1967 and RCW 41.24.030; amending section 4, chapter 86, Laws of 1965 and RCW 41.24.031; transferring mem-

bership from existing pension systems; and declaring an emergency.

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

Section 1. Section 3, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.030 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2) "Employer" means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter and shall include any authorized association of such municipalities.

(3) "Law enforcement officer" means any (~~full-time~~) person who is serving on a full time, fully compensated basis as a county sheriff ((7) or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal: PROVIDED, That the term "city police officer" shall only include such regular, full time personnel of a city police department as have been appointed to offices, positions or ranks in the department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city.

(4) "Fire fighter" means any person who is (~~regularly-employed-and-paid-as-a~~) serving on a full time, fully compensated basis as a member of a fire department by an employer and who has passed a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such; and shall include anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination; this term shall also include supervisory fire fighter person-

nel; and shall also include any ~~((all))~~ full time ~~((employees))~~ executive secretary of an association of fire protection districts authorized under chapter 52.08 RCW.

(5) "Retirement board" means the Washington public employees' retirement system board established in chapter 41.40 RCW, including two members of the retirement system as provided for in RCW 41.26.050.

(6) "Surviving spouse" means the surviving widow or widower of a member. The word shall not include the divorced spouse of a member.

(7) "Child" or "children" whenever used in this chapter means every natural born child, posthumous child, child legally adopted prior to the date benefits are payable under this chapter, stepchild and illegitimate child legitimized prior to the date any benefits are payable under this chapter, all while under the age of eighteen years and unmarried.

(8) "Member" means any ~~((county-sheriff, deputy-sheriff, city police-officer,))~~ fire fighter, or ~~((a full-time town marshal of the state of Washington))~~ law enforcement officer whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11) "Beneficiary" means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(12) "Final average salary" means (a) for a member holding the same ~~((civil-service))~~ position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached

to such same position or rank at time of retirement; (b) for any other member, including a civil service member who has not served a minimum of twelve months in the same ~~((civil-service))~~ position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (c) in the case of disability of any member, the basic salary payable to such member at the ~~((date-a))~~ time of disability ~~((is-claimed-by-such-member-to-have-been-incurred))~~ retirement.

(13) "Basic salary" means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(14) "Service" means ~~((service-rendered-as-an-employee))~~ all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter ~~((a-member-shall-be-considered-as-being-in service-only-while-he-is-receiving-a-salary-from-the-employer-for such-service-or-is-on-leave-granted-for))~~ service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. ~~((Service-shall-also-include-any-time-that-a-member-is on-disability-))~~ Credit shall be allowed for all months of service rendered by a member from and after his initial commencement of employment as a fire fighter or law enforcement officer, during which he worked for ten days or more, or the equivalent thereof, or was on disability leave or disability retirement. Only months of service shall be counted in the computation of any retirement allowance or

other benefit provided for in this 1970 amendatory act. No credit shall be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act: PROVIDED, That if such member's prior service is not creditable due to the withdrawal of his contributions plus accrued interest thereon from a prior pension system, such member shall be credited with such prior service, as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to that which was withdrawn from the prior system by such member, as a law enforcement officer or fire fighter.

(15) "Accumulated contributions" means the contributions made by a member plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay his future benefits during the period of his retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" means either the county disability board or the city disability board established in RCW 41.26.110.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to his full salary prior to the commencement of disability retirement.

(20) "Disability retirement" means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

Sec. 2. Section 4, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.040 are each amended to read as follows:

The Washington law enforcement officers' and fire fighters' retirement system is hereby created for fire fighters (~~(7-policeemen, deputy-sheriffs, sheriffs, and town-marshals)~~) and law enforcement officers.

(1) All fire fighters (~~(7-policeemen, deputy-sheriffs, sheriffs and town-marshals initially)~~) and law enforcement officers employed (~~(in that capacity)~~) as such on or after March 1, 1970, on a full time fully compensated basis in this state shall be members of the retirement system established by this chapter with respect to all periods of service as such, to the exclusion of any pension system existing under any prior act except as provided in subsection (2) of this section.

(2) Any employee serving as a law enforcement officer or fire fighter on March 1, 1970, who (~~(has made)~~) is then making retirement contributions under any prior act shall have his membership transferred to the system established by this chapter (~~(on March 1, 1970+ PROVIDED, HOWEVER, That for purposes of employee contribution rate, creditability of service, eligibility for service or disability retirement, and survivor and all other benefits, such employee shall also continue to be covered by the provisions of such prior act which relate thereto, as if this transfer of membership had not occurred)~~) as of such date. Upon retirement for service or for disability, or death, of any such employee, his retirement benefits earned under this chapter shall be computed and paid. In addition, his benefits under the prior retirement act to which he was making contributions at the time of this transfer shall be computed as if he had (~~(continued to be a member of the retirement system covered thereby and these benefits, including survivor's benefits, offset by all benefits payable~~

~~under this chapter, shall be paid to him by the county, city, town or district by which he was employed at the time of his retirement)) not transferred.~~ For the purpose of such computations, the employee's creditability of service and eligibility for service or disability retirement and survivor and all other benefits shall continue to be as provided in such prior retirement act, as if transfer of membership had not occurred. The excess, if any, of the benefits so computed, giving full value to survivor benefits, over the benefits payable under this 1970 amendatory act shall be paid. If the employee's prior retirement system was the Washington public employees' retirement system, payment of such excess shall be made by that system; if the employee's prior retirement system was the state-wide city employees' retirement system, payment of such excess shall be made by the employer which was the member's employer when his transfer of membership occurred: PROVIDED, That any death in line of duty lump sum benefit payment shall continue to be the obligation of that system as provided in RCW 41.44.210; in the case of all other prior retirement systems, payment of such excess shall be made by the employer which was the member's employer when his transfer of membership occurred.

(3) All funds held by any firemen's or policemen's relief and pension fund shall remain in that fund for the purpose of paying the obligations of the fund. The municipality shall continue to levy the millage as provided in RCW 41.16.060, and this millage shall be used for the purpose of paying the benefits provided in chapters 41.16 and 41.18 RCW. The obligations of chapter 41.20 RCW shall continue to be paid from whatever financial sources the city has been using for this purpose.

(4) Any member transferring from the Washington public employees' retirement system or the state-wide city employees' retirement system shall have transferred from the appropriate fund of the prior system of membership, a sum sufficient to pay into the Washing-

ton law enforcement officers' and fire fighters' retirement system fund the amount of the employees' and employers' contributions plus credited interest in the prior system for all service, as defined in this 1970 amendatory act, from the date of the employee's entrance therein until March 1, 1970. Except as provided for in subsection (2), such transfer of funds shall discharge said state retirement systems from any further obligation to pay benefits to such transferring members (~~(7-and-thereafter-the-full-obligation-of-payment-of benefits-earned-shall-be-borne-by-the-retirement-board-administering this-chapter-and-by-the-member's-employer-as-provided-for-in-subsection-(2)-of-this-section)~~) with respect to such service.

(5) All unfunded liabilities created by this or any other section of this chapter shall be computed by the actuary in his biennial evaluation. Such computation shall provide for amortization of the unfunded liabilities over a period of not more than forty years from March 1, 1970. The amount thus computed as necessary shall be reported to the governor by the board of the retirement system for inclusion in the budget. The legislature shall make the necessary appropriation to fund the unfunded liability from the state general fund beginning with the 1971-1973 biennium.

Sec. 3. Section 5, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.050 are each amended to read as follows:

The retirement board shall be composed of the members of the public employees' retirement board established in chapter 41.40 RCW. Their terms of office shall be the same as their term of office with the public employees' retirement board. The members of the retirement system shall elect two additional members to the board who shall be members of the Washington law enforcement officers' and fire fighters' retirement system. These additional board members shall serve on the retirement board only for the purposes of administering this chapter. One board member shall be a fire fighter and shall be elected by the fire fighter members and one shall be a law enforce-

ment officer elected by the law enforcement members. These board members shall serve two year terms. The first board (~~((members elected by the system shall provide that the))~~) member elected by the (~~((pe- lieemen))~~) law enforcement officer members shall serve for one year only (~~((and))~~) , the first board member elected by the fire fighters shall serve a two year term, and thereafter both shall serve two years unless they cease to be members of the retirement system. In such case (~~((it shall be the duty of the remaining board members to appoint))~~) there shall be elected in the same manner another member from the same service to fill out the remaining part of the term. All administrative services of this system shall be performed by the director and staff of the public employees' retirement system with the cost of administration as determined by the retirement board charged against the Washington law enforcement officers' and fire fighters' retirement fund as provided in this chapter from funds appropriated for this purpose.

Sec. 4. Section 9, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.090 are each amended to read as follows:

Retirement of a member for service shall be made by the board as follows:

(1) Any member having (~~((twenty-))~~) five or more years of service and having attained the age of fifty years shall be eligible for a service retirement allowance and shall be retired upon his written request (~~((r))~~) effective the first day following the date upon which the member is separated from service.

(2) Any member having five or more years of service, who terminates his employment with any employer, may leave his contributions in the fund. Any employee who so elects (~~((shall be eligible at))~~) , upon attaining age fifty, shall be eligible to apply for and receive a service retirement allowance based on his years of service (~~((as follows:--Five years but under ten years, one percent of his final average salary for each year of service; ten years but under~~

~~twenty-years, one-and-one-half-percent-of-his-final-average-salary for-each-year-of-service, and twenty-years-and-over, two-percent-of his-final-average-salary-for-each-year-of-service))~~ , commencing on the first day following his attainment of age fifty. Any member selecting this optional vesting shall not be covered by the provisions of RCW 41.26.150 or 41.26.160 until the attainment of the age of fifty years: PROVIDED, That a member selecting this option who shall die prior to attaining the age of fifty years, shall have paid from the Washington law enforcement officers' and fire fighters' retirement fund, to such member's surviving spouse, if any, otherwise to such beneficiary as the member shall have designated in writing, or if no such designation has been made, to the personal representative of his estate, a lump sum which is equal to the amount of such member's accumulated contributions plus accrued interest.

(3) 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 and may not thereafter be employed as a law enforcement officer or fire fighter: PROVIDED, That for any member who is elected or appointed to the office of sheriff, his election or appointment shall be considered as a waiver of the age sixty provision for retirement and nonemployment for whatever number of years remain in his present term of office and any succeeding ((~~terms~~)) periods for which he may be so elected or appointed: PROVIDED FURTHER, That the provisions of this subsection shall not apply to any member ((employed-on-July-17-1969)) who is employed as a law enforcement officer or fire fighter on March 1, 1970.

Sec. 5. Section 10, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.100 are each amended to read as follows:

A member upon retirement for service shall receive a monthly retirement allowance ((~~of two-percent-of-his-final-average-salary-for-each-completed-year-of-service~~)) computed according to his completed years of creditable service, as follows: Five years but under ten

years, one percent of his final average salary for each year of service; ten years but under twenty years, one and one-half percent of his final average salary for each year of service; and twenty years and over, two percent of his final average salary for each year of service: PROVIDED, That the recipient of a retirement allowance who shall return to service as a law enforcement officer or fire fighter 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 return to service and he shall make contributions and receive service credit. Such a member shall have the right to again retire at any time and his retirement allowance shall be recomputed, based upon additional service rendered and any change in final average salary, and shall be paid.

Sec. 6. Section 11, chapter 209, Laws of 1969 ex. sess. as amended by section 3, chapter 219, Laws of 1969 ex. sess. and RCW 41.26.110 are each amended to read as follows:

(1) All claims for disability (~~made against the retirement system as defined in RCW 41.26.030(1)~~) shall be acted upon and either approved or disapproved by either type of disability board hereafter authorized to be created.

(a) Each city having a population of twenty thousand or more shall establish a disability board having jurisdiction over all members employed by said cities and composed of the following five members: Two members of the city legislative body to be appointed by the mayor, one fire fighter to be elected by the fire fighters employed by the city, one law enforcement officer to be elected by the law enforcement officers employed by the city and one member from the public at large who resides within the city to be appointed by the other four appointed members heretofore designated in this subsection. All members appointed or elected pursuant to this subsection shall serve for two year terms: PROVIDED, That cities of the first class

only, shall retain existing firemen's pension boards established pursuant to RCW 41.16.020 and existing boards of trustees of the relief and pension fund of the police department as established pursuant to RCW 41.20.010 which such boards shall have authority to act upon and approve or disapprove claims for disability by fire fighters' or law enforcement officers' as ~~((appropriate))~~ provided under the Washington law enforcement officers' and fire fighters' retirement system act.

(b) Each county shall establish a disability board having jurisdiction over all members residing in the county and not ~~((residing-within))~~ employed by a city in which a disability board is established. The county disability board so created shall be composed of five members to be chosen as follows: One member of the legislative body of the county to be appointed by the county legislative body, one member of a city or town legislative body located within the county which does not contain a city disability board established pursuant to subsection (1) (a) of this section to be chosen by a majority of the mayors of such cities and towns within the county which does not contain a city disability board, one fire fighter to be elected by the fire fighters subject to the jurisdiction of the county disability board, one law enforcement officer to be elected by the law enforcement officers subject to the jurisdiction of the county disability board, and one member from the public at large who resides within the county but does not reside within a city in which a city disability board is established, to be appointed by the other four appointed members heretofore designated in this subsection. All members appointed or elected pursuant to this subsection shall serve for two year terms.

(2) The members of both the county and city disability boards shall not receive compensation for their service upon the boards but said members shall be reimbursed by their respective county or city for all ~~((travel))~~ expenses incidental to such service as to the amount authorized by law.

(3) The disability boards authorized for establishment by this section shall perform all functions, exercise all powers, and make all such determinations as specified in this chapter (~~and subsequent legislative acts~~).

Sec. 7. Section 12, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.120 are each amended to read as follows:

Any member, regardless of his age or years of service may be (~~recommended for retirement~~) retired by the disability board, subject to approval by the retirement board as hereinafter provided, for any disability which has been continuous since his discontinuance of active service and which renders him unable to continue his service, whether incurred in the line of duty or not. ((Benefits hereunder shall not begin for)) No disability retirement allowance shall be paid until the expiration of a period of six months after the disability is incurred ((-)) during which period the member, if found to be physically or mentally unfit for duty by the disability board following receipt of his application for disability retirement, shall be granted a disability leave by the disability board and shall receive an allowance equal to his full monthly salary from his employer for such period. Applications for disability retirement shall be processed in accordance with the following procedures:

(1) Any member who believes he is or is believed to be physically or mentally disabled ((-if such disability has been continuous from discontinuance of service-)) shall be examined by such medical authority as the disability board shall employ, ((upon the application of the head of the office or department in which the member is employed, -or)) upon application of said member, or a person acting in his behalf, stating that said member is disabled, either physically or mentally ((-if examination shows, to the satisfaction of the disability board, that the member should be retired, he shall be retired for that with)): PROVIDED, That no such application shall be considered unless said member or someone in his behalf, in case of

the incapacity of a member, shall have filed the application within a period of one year from and after the discontinuance of service of said member. (~~(Where an application for disability is filed after the sixth month of disability but prior to the one-year time limit, the member shall be entitled to receive disability benefits to which he is entitled retroactive to the end of the sixth month.)~~)

(2) If the examination shows, to the satisfaction of the disability board, that the member is physically or mentally disabled from the further performance of duty, and that such disability has been continuous from the discontinuance of active service, the disability board shall enter its written decision and order, accompanied by appropriate findings of fact and by conclusions evidencing compliance with this 1970 amendatory act as now or hereafter amended, granting the member a disability retirement allowance; otherwise, if the member is not found by the disability board to be so disabled, the application shall be denied pursuant to a similar written decision and order, subject to appeal to the retirement board in accordance with RCW 41.26.200.

(3) Every order of a disability board granting a disability retirement allowance shall forthwith be reviewed by the retirement board for the purposes of determining (a) whether the facts as found by the disability board are supported by substantial evidence in the record; and (b) whether the order is in accordance with law on the basis of such facts. If an affirmative determination is made by the retirement board on both of the aspects of the decision and order, it shall be affirmed; otherwise, it shall be reversed and remanded to the disability board for such further proceedings as the retirement board may direct.

Sec. 8. Section 13, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.130 are each amended to read as follows:

(1) (~~(On retirement for disability, as provided in RCW 41.26-120.)~~) Upon retirement for disability a member shall be entitled to receive a monthly retirement allowance computed as follows: (a) A

basic amount of fifty percent of final average salary at time of disability retirement, and (b) an additional five percent of final average salary for each child as defined in RCW 41.26.030(7), (c) the combined total of subsections (1) (a) and (1) (b) of this section shall not exceed a maximum of sixty percent of final average salary.

(2) A disabled member shall (~~receive his full monthly salary from the employer during the six months waiting period applicable under RCW 41.26.120~~) begin receiving his disability retirement allowance as of the expiration of his six month period of disability leave or, if his application was filed after the sixth month of disability but prior to the one year time limit, the member's disability retirement allowance shall be retroactive to the end of the sixth month.

(3) Benefits under this section will be payable until the member recovers from the disability or dies. If at the time that the disability ceases the member is over the age of fifty, he shall then receive either his disability retirement allowance or his retirement for service allowance, whichever is greater.

(4) Benefits under this section for a disability that is incurred while in other employment will be reduced by any amount the member receives or is entitled to receive from workmen's compensation, social security, group insurance, other pension plan, or any other similar source provided by another employer on account of the same disability.

(5) A member retired for disability shall, at the discretion of the disability board, be subject to a semiannual medical examination by a physician approved by the disability board prior to his attainment of age fifty.

Sec. 9. Section 14, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.140 are each amended to read as follows:

(1) Upon the basis of a semiannual reexamination of (~~disabled~~) members on disability retirement, the disability board shall

determine whether such disability beneficiary is still unable to perform his duties either physically or mentally for service in the department where he was employed.

(2) If the disability board shall determine that the beneficiary is not so incapacitated his retirement allowance shall be canceled and he shall be restored to duty in the same civil service rank, if any, held by the beneficiary at the time of his retirement or if unable to perform the duties of said rank, then, at his request, in such other like or lesser rank as may be or become open and available, the duties of which he is then able to perform. In no event, shall a beneficiary previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than ~~((that received))~~ the current salary attached to the rank or position held by the said beneficiary at the date of his retirement for disability. If the disability board determines that the beneficiary is able to return to service he shall be entitled to notice and a hearing, both the notice and the hearing shall comply with the requirements of chapter 34.04 RCW, as now or hereafter amended. ~~((If the employer is unable to find employment for a disability beneficiary subsequently found to be able to perform his duties, the disability board shall continue the disability retirement allowance of the beneficiary until such time as employment is available.))~~

(3) Should a disability beneficiary reenter service and be eligible for membership in the retirement system, his retirement allowance shall be canceled and he shall immediately become a member of the retirement system. ~~((Such member shall receive credit for service in the same manner as if he had never been retired for disability.))~~

(4) Should any disability beneficiary under age fifty refuse to submit to medical examination, his retirement allowance shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year or more, his retirement allowance shall

be canceled.

(5) Should a (~~member~~) disability beneficiary whose disability was not incurred in line of duty, prior to attaining age fifty engage in a gainful occupation, the disability board shall reduce the amount of his retirement allowance to an amount which when added to the compensation earned by him in such occupation shall not exceed the basic salary currently being paid for the rank the retired member held at the time he was disabled. All such disability beneficiaries under age fifty shall file with the disability board every six months a signed and sworn statement of earnings and any person who shall knowingly swear falsely on such statement shall be subject to prosecution for perjury. Should the earning capacity of such beneficiary be further altered, the disability board may further alter his retirement allowance as indicated above. The failure of any member to file the required statement of earnings shall be cause for cancellation of retirement benefits.

(6) Should the disability retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into service or retirement for service, he shall be paid (~~his accumulated contributions, less annuity payments made to him~~) the excess, if any, of his accumulated contributions at the time of his retirement over all payments made on his behalf under this 1970 amendatory act.

Sec. 10. Section 15, chapter 209, Laws of 1969 ex. sess. as amended by section 4, chapter 219, Laws of 1969 ex. sess. and RCW 41-.26.150 are each amended to read as follows:

(1) Whenever any active member, or any member hereafter retired, on account of service, sickness or disability, not caused or brought on by dissipation or abuse, of which the disability board shall be judge, is confined in any hospital or in his home, and whether or not so confined, requires nursing, care, or attention, the employer shall pay for such active or retired member (~~and such member retired for disability~~) the necessary hospital, care, and nursing

~~expenses (of such member, and the employer shall pay for such member retired on account of service, hospital, care, and nursing expenses as are reasonable, in the disability board discretion,--The salary of such active member shall continue while he is necessarily confined to such hospital or home or elsewhere during the period of recuperation, as determined by the disability board, for a period not exceeding six months, after which period the other provisions of this chapter shall apply) not payable from some other source as provided for in subsection (2). In the case of active or retired fire fighters the employer may make the payments provided for in this section from the firemen's pension fund established pursuant to RCW 41.16.050 where such fund had been established prior to March 1, 1970: PROVIDED, That in the event the pension fund is depleted, the employer shall have the obligation to pay all retirement benefits payable under RCW 41.16 and 41.18: PROVIDED, That the disability board in all cases may have the active or retired member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the disability board, for the purpose of ascertaining the nature and extent of the sickness or disability, the physician or physicians to report to the disability board the result of the examination within three days thereafter. Any active or retired member who refuses to submit to such examination or examinations shall forfeit all his rights to benefits under this section for the period of such refusal: PROVIDED FURTHER, That the disability board shall designate the hospital and medical services available to such sick or disabled member.~~

(2) The medical benefits payable under this section will be reduced by any amount received or eligible to be received by the member under workmen's compensation, social security including the changes incorporated under Public Law 89-97 as now or hereafter amended, insurance provided by another employer, other pension plan, or any other similar source. Failure to apply for coverage if otherwise eligible under the provisions of Public Law 89-97 as now or hereafter amended

shall not be deemed a refusal of payment of benefits thereby enabling collection of charges under the provisions of this chapter.

(3) Upon making such payments as are provided for in subsection (1), the employer shall be subrogated to all rights of the member against any third party who may be held liable for the member's injuries to the extent necessary to recover the amount of payments made by the employer.

(4) Any employer under this 1970 amendatory act, either singly, or jointly with any other such employer or employers through an association thereof as provided for in chapter 48.21 RCW, may provide for all or part of one or more plans of group hospitalization and medical aid insurance to cover any of its employees who are members of the Washington law enforcement officers and fire fighters retirement system, and/or retired former employees who were, before retirement, members of said retirement system, through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW. Benefits payable under any such plan or plans shall be deemed to be amounts received or eligible to be received by the active or retired member under subsection (2) of this section.

Sec. 11. Section 16, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.200 are each amended to read as follows:

(1) Any person feeling aggrieved by any order or determination of a disability board denying an application for disability leave or disability retirement, or canceling a previously granted disability retirement allowance, shall have the right to appeal the said order or determination to the retirement board (~~designated-in-chapter 41-40-RCW~~). The said retirement board shall have no jurisdiction to entertain the appeal unless a notice of appeal is filed with the said retirement board within thirty days following the rendition of the order by the applicable disability board. A copy of the notice of appeal shall be served upon the applicable disability board and,

within ninety days thereof, the disability board shall certify its decision and order, together with a transcript of all proceedings in connection therewith, to the retirement board for its review. Upon its review of the record, the retirement board may affirm the order of the disability board or it may remand the case for such further proceedings as it may direct, in accordance with such rules of procedure as the retirement board shall promulgate.

(2) The said appeal authorized by this section shall be governed by the provisions of RCW 41.26.210 and 41.26.220.

Sec. 12. Section 17, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.160 are each amended to read as follows:

(1) In the event of the death of any member who is in active service, or who is retired, his surviving spouse shall become entitled to receive a monthly allowance equal to fifty percent of his final average salary at the date of death if active, or the amount of the retirement allowance such retired member was receiving at the time of his death if retired for service or disability. The amount of this allowance will be increased five percent of final average salary for each child as defined in RCW 41.26.030(7), subject to a maximum combined allowance of sixty percent of final average salary.

(2) If at the time of the death of a member retired for service or disability, the surviving spouse has not been lawfully married to the member for one year prior to his retirement, the surviving spouse shall not be eligible to receive the benefits under this section: PROVIDED, That if a member dies as a result of a disability incurred in the line of duty, then if he was married at the time he was disabled, his surviving spouse shall be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment,

under this subsection, of sixty percent of final average salary. When ~~((all-the))~~ there cease to be any eligible children ~~((each-the-age of-eighteen,-the-balance-of-employee-contributions,-if-any,))~~ as defined in RCW 41.26.030(7), there shall be paid to the legal heirs of said member the excess, if any, of accumulated contributions of said member at the time of his death over all payments made to his survivors on his behalf under this 1970 amendatory act.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of said member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies or remarries and there are children under eighteen years of age, payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) above.

~~((6)--If-a-surviving-spouse-receiving-benefits-under-the-provisions-of-this-section-thereafter-remarries-and-there-are-children under-eighteen-years-of-age,-the-benefit-payable-to-the-children-will be-twenty-percent-of-final-average-salary-for-each-child,-subject-to maximum-combined-payment-of-sixty-percent-of-final-average-salary. When-all-the-eligible-children-reach-the-age-of-eighteen-the-balance of-employee-contributions,-if-any,-shall-be-paid-to-the-legal-heirs of-said-member.))~~

Sec. 13. Section 18, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.190 are each amended to read as follows:

Each person affected by this chapter who at the time of entering the armed services was a member of this system, and has honorably served in the armed services of the United States, shall have added to his period of service as computed under this chapter, his period of service in the armed forces: PROVIDED, That such credited service shall not exceed five years ~~((--PROVIDED-FURTHER,-That~~

~~such period of service shall be automatically added to each member's service when he has paid into the fund an amount equal to his contributions for this period of service. The employer shall pay into the fund an amount equal to that paid by the member).~~

Sec. 14. Section 22, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.170 are each amended to read as follows:

(1) Should service of a member be discontinued except by death, disability or retirement, (~~within six months after the day of discontinuance,~~) he shall, upon application therefor, be paid his accumulated contributions ((7)) within sixty days after the day of application and his rights to all benefits as a member shall cease (~~without notice. The provisions of this section shall be inapplicable to a member who leaves the service and is later found to have left the service by reason of disability~~): PROVIDED, That any member with at least five years' service may elect the provisions of RCW 41.26.090(2).

(2) Any member whose contributions have been paid to him in accordance with subsection (1) of this section and who reenters the service of an employer within ten years of the date of his separation shall upon the restoration of all withdrawn contributions, which restoration must be completed within a total period of five years of ((membership)) service following resumption of employment, then receive credit toward retirement for the period of previous service which these contributions are to cover.

Sec. 15. Section 23, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.180 are each amended to read as follows:

The right of a person to a retirement allowance, disability allowance, or death benefit, to the return of accumulated contributions, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution,

garnishment, or any other process of law whatsoever.

Sec. 16. Section 24, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.240 are each amended to read as follows:

For purposes of this section of this chapter:

(1) "Index" shall mean ((the)) , for any calendar year, that year's average Consumer Price Index--Seattle, Washington area for urban wage earners and clerical workers, all items (1957-1959 = 100), compiled by the bureau of labor statistics, United States department of labor;

(2) "Retirement allowance" shall mean the retirement allowance provided for in RCW 41.26.100 and 41.26.130, and the monthly allowance provided for in RCW 41.26.160.

~~((The retirement board, not later than April 1st of each year commencing with calendar year 1971, shall make a determination with respect to the percentage of increase or decrease, if any, in the index beginning with the period between January, 1970 and January, 1971 and for each such twelve month period subsequent thereto.~~

~~If the index indicates an increase or decrease between the month commencing and the month ending any such period, the amount of each retirement allowance shall be increased or decreased by the amount of such percentage increase or decrease, commencing upon April 1, 1971 if an increase or decrease is indicated for the period preceding such date, and upon April 1st of each year subsequent to each such period in which an increase or decrease is indicated,--No retirement allowance shall be increased or decreased unless it commenced prior to January 2nd of the year preceding any such April 1st date.~~

~~The total amount of each retirement allowance shall include and shall be increased or decreased by each such percentage increase or decrease which may be added thereto or subtracted therefrom from time to time.--Each subsequent percentage increase or decrease shall be calculated on the basis of the total amount of such retirement allowance as increased or decreased by any such percentage increases or~~

~~decreases.--No retirement allowance shall be decreased below the original amount of the retirement allowance granted under the provisions of this chapter.)~~

Effective April 1 of 1971, and of each succeeding year, every retirement allowance which has been in effect for more than one year shall be adjusted to that dollar amount which exceeds its original dollar amount by the percentage difference which the board finds to exist between the index for the previous calendar year and the index for the calendar year prior to the effective retirement date of the person to whom, or on behalf of whom, such retirement allowance is being paid: PROVIDED, That no retirement allowance shall in any event be reduced to a dollar amount less than its original dollar amount.

Whenever the amount of a benefit is to be recalculated because of a change in the number of children, the amount shall be calculated as if the new number of children had always been in existence.

Sec. 17. Section 44, chapter 209, Laws of 1969 ex. sess. (uncodified) is amended to read as follows:

There is appropriated and transferred to the Washington law enforcement officers' and fire fighters' retirement system fund from the general fund the sum of one million, seven hundred thousand dollars to carry out the purposes of this 1969 amendatory act. Of this amount two hundred fifty thousand dollars shall be available for costs of administration during the 1969-1971 fiscal biennium and said sum is hereby appropriated from the retirement fund for that purpose.

Sec. 18. Section 1, chapter 261, Laws of 1945 as amended by section 1, chapter 263, Laws of 1955 and RCW 41.24.010 are each amended to read as follows:

As used in this chapter:

"Municipal corporation" or "municipality" includes any city or town, fire protection district, or any water, irrigation, or other district, authorized by law to afford protection to life and property within its boundaries from fire.

"Fire department" means any regularly organized fire department

consisting wholly of volunteer firemen, or any part-paid and part-volunteer fire department duly organized and maintained by any municipality: PROVIDED, That any such municipality wherein a part-paid fire department is maintained may by appropriate legislation permit the full-paid members of its department to come under the provisions of chapter 41.16.

"Firemen" includes any fireman who is a member of any fire department of any municipality but shall not include full time, paid fire fighters who are members of the Washington law enforcement officers' and fire fighters' retirement system, with respect to periods of service rendered in such capacity.

"Performance of duty" shall be construed to mean and include any work in and about company quarters or any fire station or any other place under the direction or general orders of the chief or other officer having authority to order such member to perform such work; responding to, working at, or returning from an alarm of fire; drill; or any work performed of an emergency nature in accordance with the rules and regulations of the fire department.

"State board" means the state board for volunteer firemen created herein.

"Appropriate legislation" means an ordinance when an ordinance is the means of legislating by any municipality, and resolution in all other cases.

Sec. 19. Section 3, chapter 261, Laws of 1945, as last amended by section 2, chapter 160, Laws of 1967 and RCW 41.24.030 are each amended to read as follows:

There is created in the state treasury a trust fund for the benefit of the firemen of the state covered by this chapter, which shall be designated the volunteer firemen's relief and pension fund and shall consist of:

(1) All bequests, fees, gifts, emoluments, or donations given or paid to the fund.

(2) An annual fee for each member of its fire department to be paid by each municipal corporation for the purpose of affording the members of its fire department with protection from death or disability as herein provided as follows:

(a) three dollars for each volunteer or part-paid member of its fire department;

(b) a sum equal to one-half of one percent of the annual salary attached to the rank of each full-paid member of its fire department, prorated for 1970 on the basis of services prior to March 1, 1970.

(3) Where a municipal corporation has elected to make available to the members of its fire department the retirement provisions as herein provided, an annual fee of twenty-two dollars for each of its firemen electing to enroll therein, ten dollars of which shall be paid by the municipality and twelve dollars of which shall be paid by the fireman.

(4) Forty percent of all moneys received by the state from its tax on fire insurance premiums shall be paid into the state treasury and credited to the fund.

(5) The state finance committee, upon request of the state treasurer shall invest such portion of the amounts credited to the fund as is not, in the judgment of the treasurer, required to meet current withdrawals. Such investments may be made in such bonds, notes or other obligations now or hereafter authorized as an investment for the funds of the state employees' retirement system.

(6) All bonds or other obligations purchased according to subdivision (5) shall be forthwith placed in the custody of the state treasurer, and he shall collect the principal thereof and interest thereon when due.

The state finance committee may sell any of the bonds or obligations so acquired and the proceeds thereof shall be paid to the state treasurer.

The interest and proceeds from the sale and redemption of any

bonds or other obligations held by the fund shall be credited to and form a part of the fund.

All amounts credited to the fund shall be available for making the payments required by this chapter.

The state treasurer shall make an annual report showing the condition of the fund.

Sec. 20. Section 4, chapter 86, Laws of 1965 and RCW 41.24-.031 are each amended to read as follows:

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 prorated for 1970 on the basis of services prior to March 1, 1970.

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.

NEW SECTION. Sec. 21. 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 shall take effect immediately.

Passed the House January 23, 1970
Passed the Senate February 4, 1970
Approved by the Governor February 12, 1970
Filed in Office of Secretary of State February 12, 1970

CHAPTER 7
[Substitute House Bill No. 220]
PUBLIC HOSPITAL DISTRICTS--SALES AND
LEASES OF SURPLUS PROPERTY

AN ACT Relating to public hospital districts; and amending section 1, chapter 102, Laws of 1963 and RCW 70.44.061.

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

Section 1. Section 1, chapter 102, Laws of 1963 and RCW 70-.44.061 are each amended to read as follows:

The board of commissioners of any public hospital district may lease out or may sell and convey (~~for-eash~~) at public or private sale, surplus property of the district if the board has determined by resolution adopted by unanimous vote of all members of the board that such property is not and will not be needed for the district's purposes, nor for operation of its public hospitals: PROVIDED, That in leasing or selling real estate the board shall have obtained not more than one year prior to date of sale a written appraisal of the value of such real estate by at least two disinterested appraisers concurring in and signing the appraisal, who must be licensed under the laws of this state as real estate appraisers or as real estate brokers, and that the board shall have published a call for bids upon such real estate once a week for two successive weeks in a legal newspaper of general circulation in the districts, and that the sale price received be not less than ninety percent of such appraised value of the real estate sold: PROVIDED FURTHER, That if such appraised value of property proposed to be sold is more than one hundred thousand dollars then before making any sale thereof the question of making a sale of the property shall be submitted to the voters of the district at a general or special election and be determined by majority vote therein. In the event of a sale, 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 six percent per annum; or in the alternative, such sale may be effected on such terms and conditions as may be determined by resolution of the board of commissioners: PROVIDED, That such sale is approved and confirmed by decree of the superior court in the county where such property is

located, after publication of notice of hearing is given as fixed and directed by such court.

Passed the House January 30, 1970
Passed the Senate February 4, 1970
Approved by the Governor February 12, 1970
Filed in Office of Secretary of State February 12, 1970

CHAPTER 8
[House Bill No. 34]
REVENUE AND TAXATION--CODE CORRECTIONS

AN ACT Relating to revenue and taxation; amending and reenacting section 1, chapter 7, Laws of 1963, as last amended by section 3, chapter 255, Laws of 1969 ex. sess., and by section 30, chapter 262, Laws of 1969 ex. sess. and RCW 82.04.050; amending and reenacting section 82.04.280, chapter 15, Laws of 1961, as last amended by section 5, chapter 255, Laws of 1969 ex. sess., and by section 38, chapter 262, Laws of 1969 ex. sess., and RCW 82.04.280; amending and reenacting section 2, chapter 132, Laws of 1967 ex. sess., as amended by section 2, chapter 224, Laws of 1969 ex. sess., and by section 63, chapter 262, Laws of 1969 ex. sess. and RCW 84.36.129; amending and reenacting section 84.52.050, chapter 15, Laws of 1961 as last amended by section 1, chapter 216, Laws of 1969 ex. sess., and by section 65, chapter 262, Laws of 1969 ex. sess., and RCW 84.52.050; and declaring an emergency.

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

Section 1. Section 1, chapter 7, Laws of 1963, as last amended by section 3, chapter 255, Laws of 1969 ex. sess., and by section 30, chapter 262, Laws of 1969 ex. sess., and RCW 82.04.050 are each amended and reenacted to read as follows:

"Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale

to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), or (c) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsection (2), and 82.04.290.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, in-

cluding the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; (d) the sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16; (e) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same; (f) the sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), and (e) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be construed to modify the first paragraph of this section and nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services, including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons

engaging in the following business activities: (a) amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

The term shall also include the renting or leasing of tangible personal property to consumers.

The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is used or to be used primarily for foot or vehicular traffic including publicly owned mass transportation vehicles of any kind, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

Upon and after the effective date of the provisions of (~~this amendatory act~~) chapter 262, Laws of 1969 ex. sess., as now or hereafter amended, which impose a tax upon net income, the term shall not include the sale of drugs or medicines either required by law to be dispensed or actually dispensed in accordance with the prescription of a licensed practitioner of one of the healing arts authorized by law to prescribe such drugs or medicines.

Sec. 2. Section 82.04.280, chapter 15, Laws of 1961, as last amended by section 5, chapter 255, Laws of 1969 ex. sess., and by section 38, chapter 262, Laws of 1969 ex. sess., and RCW 82.04.280 are each amended and reenacted to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals or magazines; (2) building, repairing or improving any publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is used or to be used, primarily for foot or vehicular traffic including publicly owned mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of forty-four one hundredths of one percent: PROVIDED, That upon and after the effective date of the provisions of ~~((this-amendatory-act))~~ chapter 262, Laws of 1969 ex. sess., as now or hereafter amended, which impose a tax upon net income, the amount of tax on such business shall be equal to the gross

income of the business multiplied by the rate of twenty-two one-hundredths of one percent.

Sec. 3. Section 2, chapter 132, Laws of 1967 ex. sess., as amended by section 2, chapter 224, Laws of 1969 ex. sess., and by section 63, chapter 262, Laws of 1969 ex. sess., and RCW 84.36.129 are each amended and reenacted to read as follows:

For the purposes of RCW 84.36.128:

(1) The term "residence" shall mean a single family dwelling, including the lot on which the dwelling stands. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080, 84.04.090, or RCW 84.40.250, such a residence shall be deemed real property.

(2) The term "preceding calendar year" shall mean the calendar year preceding the year in which the property taxes for which the exemption is claimed are due and payable.

All claims for exemption shall be made and signed by the person entitled to the exemption, by his or her attorney in fact or, in the event the residence of such person is under mortgage or purchase contract requiring accumulation of reserves out of which the holder of the mortgage or contract is required to pay real estate taxes, by such holder, either before a notary public or the county assessor or his deputy in the county where the real property is located. Any person signing a false claim shall be subject to perjury.

Claims for exemption shall be made annually and filed between February 15 and April 30 of the year in which the taxes are payable and solely upon forms as prescribed and furnished by the department of revenue.

This section shall expire upon the date the provisions of ~~((this-1969-amendatory-act))~~ chapter 262, Laws of 1969 ex. sess., as now or hereafter amended, which impose a tax upon net income become

effective.

Sec. 4. Section 84.52.050, chapter 15, Laws of 1961 as last amended by section 1, chapter 216, Laws of 1969 ex. sess., and by section 65, chapter 262, Laws of 1969 ex. sess., and RCW 84.52.050 are each amended and reenacted to read as follows:

Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state, municipal corporations, taxing districts and governmental agencies, now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty percent of the true and fair value of such property in money; and within and subject to the aforesaid limitation the levy by the state shall not exceed two mills to be used exclusively for the public assistance program of the state: PROVIDED, That upon and after the effective date of the provisions of (~~this-amendatory-act~~) chapter 262, Laws of 1969 ex. sess., as now or hereafter amended, which impose a tax upon net income, the authority of the state to levy not to exceed two mills to be used exclusively for the public assistance program of the state shall expire and such millage may be levied by any county as authorized in RCW 84.52.051; the levy by any county shall not exceed eight mills; the levy by or for any school district shall not exceed fourteen mills: PROVIDED, That in each of the years 1967 and 1968 and 1969 and 1970 the state shall levy a property tax of four mills of which two mills shall be used exclusively for the public assistance program of the state and of which two mills shall be used exclusively for the support of the common schools; and in such years in which the state shall validly levy a property tax of two mills for the support of the common schools, the levy by or for any school district shall not exceed twelve mills: PROVIDED FURTHER, That the levy by or for any union high school district shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any component district within a union high school district shall not exceed three-

fifths of the maximum levy permissible for any school district without a vote of the electors thereof: PROVIDED FURTHER, That the levy against any nonhigh school district for the high school district fund shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any such nonhigh school district shall not exceed the balance of such maximum permissible levy; the levy for any road district shall not exceed ten mills; and the levy by or for any city or town shall not exceed fifteen mills: PROVIDED FURTHER, That counties of the fifth class and under are hereby authorized to levy from eight to eleven mills for general county purposes and from seven to ten mills for county road purposes if the total levy for both purposes does not exceed eighteen mills: PROVIDED FURTHER, That counties of the fourth and the ninth class are hereby authorized to levy nine mills until such time as the junior taxing agencies are utilizing all the millage available to them.

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district.

NEW SECTION. 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.

EXPLANATORY NOTE

Section 1. RCW 82.04.050 was twice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 255 § 3, in defining "sale at retail" or "retail sale" excluded sales of and charges made for labor and services in respect to building, repairing and improving any publicly owned "...easement, right of way, mass public transportation terminal or parking facility, ... tunnel ... including publicly owned mass transportation vehicles of any kind".

(2) 1969 ex.s. c 262 § 30 added the last paragraph relating to sales of drugs and medicines, the effective date of which is conditioned upon voter approval of a proposed constitutional amendment to authorize the income tax contained in chapter 262. The substitution of chapter 262, Laws of 1969 ex. sess. for "this amendatory act" has been made for act identification purposes.

Sec. 2. RCW 82.04.280 was twice amended by the 1969 extraordinary session of the legislature, each without reference to the other.

(1) 1969 ex.s. c 255 § 5 included persons in the business of building, repairing or improving any publicly owned easement, right of way, mass public transportation terminal, parking facility or tunnel under the provisions of the business and occupation tax.

(2) 1969 ex.s. c 262 § 38 added the proviso at the end of the section changing the rate of the business and occupation tax, the effective date of which is conditioned upon voter approval of a proposed constitutional amendment to authorize the income tax contained in chapter 262. The substitution of chapter 262, Laws of 1969 ex. sess. for "this amendatory act" has been made for act identification purposes.

Sec. 3. RCW 84.36.129 was twice amended by the 1969 extraordinary session of the legislature, each without reference to the other.

(1) 1969 ex.s. c 224 § 2 added the second sentence to the definition of "residence" in subsection (1).

(2) 1969 ex.s. c 262 § 63 added the last paragraph providing for expiration of the section upon the effective date of the net income tax contained in chapter 262. The substitution of chapter 262, Laws of 1969 ex. sess. for "this amendatory act" has been made for act identification purposes.

Sec. 4. RCW 84.52.050 was twice amended by the 1969 extraordinary session of the legislature, each without reference to the other.

(1) 1969 ex.s. c 216 § 1 added the years "1969 and 1970" to the proviso relating to the levy and disposition of a four mill property tax.

(2) 1969 ex.s. c 262 § 65 added a new proviso relating to the expiration of the use of the state two mill levy for public assistance, contingent upon the effective date of the net income tax. The years "1969 and 1970" were also added to the proviso relating to a four mill levy, as in the amendment by 1969 ex.s. c 216 §1. See (1) above. The substitution of chapter 262, Laws of 1969 ex. sess. for "this amendatory act" has been made for act identification purposes.

As the two amendments to each section appear to be in different respects, the purpose of this bill is to give effect to each by reenacting each section with both amendments included in it, together with required technical changes.

Passed the House January 27, 1970

Passed the Senate February 4, 1970

Approved by the Governor February 12, 1970

Filed in Office of Secretary of State February 12, 1970

CHAPTER 9
[House Bill No. 35]
MOTOR VEHICLES--CODE CORRECTIONS

AN ACT Relating to motor vehicles; amending section 46.44.092, chapter 12, Laws of 1961 as last amended by section 60, chapter 281, Laws of 1969 ex. sess., and RCW 46.44.092; reenacting section 4, chapter 39, Laws of 1963 as last amended by section 24, chapter 199, Laws of 1969 ex. sess., and by section 3, chapter 218, Laws of 1969 ex. sess., and RCW 46.81.030; reenacting section 6, chapter 39, Laws of 1963 as amended by section 25, chapter 199, Laws of 1969 ex. sess., and by section 4, chapter 218, Laws of 1969 ex. sess., and RCW 46.81.050; and declaring an emergency.

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

Section 1. Section 46.44.092, chapter 12, Laws of 1961 as last amended by section 60, chapter 281, Laws of 1969 ex. sess., and RCW 46.44.092 are each amended to read as follows:

No special permit shall be issued for movement on any two-lane state highway outside the limits of any city or town where the overall width of load exceeds fourteen feet, or on any multiple lane state highway where the overall width of load exceeds thirty-two feet; except that on multiple lane state highways where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes, no special permit shall be issued for width in excess of twenty feet: PROVIDED, That (1) these width limitations may be exceeded on state highways where the latest available traffic figures show that the highway or section of highway carries less than one hundred vehicles per day: PROVIDED FURTHER, That in the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions:

(a) Uninterrupted vehicular traffic shall be maintained in one direction at all times; (b) maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to

exceed the five-mile limit: PROVIDED, That when in the opinion of the highway commission a hardship would result, this limitation may be exceeded upon approval of the commission; (c) prior to issuing a permit a qualified highway department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made; (2) permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations; (3) these limitations may be rescinded when certification is made by military officials or by officials of public or private power facilities, when in the opinion of the highway commission, the movement or action is a necessary emergency movement or action: PROVIDED FURTHER, That the structures and highway surfaces on the routes involved are determined to be capable of sustaining widths in excess of such limitation; (4) these limitations shall not apply to farmers moving farm machinery between farms during daylight hours if the movement does not pass along and upon any primary or secondary state highway for a distance greater than one hundred miles, if properly patrolled and flagged; (5) these limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed forty-five thousand pounds and the overall width of load does not exceed sixteen feet: PROVIDED, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the highway commission or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

Sec. 2. Section 4, chapter 39, Laws of 1963, as last amended by section 24, chapter 199, Laws of 1969 ex. sess., and by section 3, chapter 218, Laws of 1969 ex. sess., and RCW 46.81.030, are each reenacted to read as follows:

There shall be levied and paid into the traffic safety education account of the general fund of the state treasury a penalty assessment in addition to the fine or bail forfeiture on all offenses involving a violation of a state statute or city or county ordinance relating to the operation or use of motor vehicles or the licensing of vehicle operators, except offenses relating to parking of vehicles, in the following amounts:

(1) Where a fine is imposed, five dollars for each twenty dollars of fine, or fraction thereof.

(2) If bail is forfeited, five dollars for each twenty dollars of bail, or fraction thereof.

(3) Where multiple offenses are involved, the penalty assessment shall be based on the total fine or bail forfeited for all offenses.

All fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Where a fine is suspended, in whole or in part, the penalty assessment shall be levied in accordance with the fine actually imposed.

Sec. 3. Section 6, chapter 39, Laws of 1963 as amended by section 25, chapter 199, Laws of 1969 ex. sess., and by section 4, chapter 218, Laws of 1969 ex. sess., and RCW 46.81.050, are each re-

enacted to read as follows:

The gross proceeds of the penalty assessments provided for in RCW 46.81.030 shall be transmitted to the city or county treasurer, as the case may be, by the court collecting the same, in the manner and at the times that fines and bail forfeitures are transmitted to such treasurers. The city and county treasurers shall transmit to the state treasurer monthly and without deduction the amount of such penalty assessments received, which shall be credited to the traffic safety education account in the general fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

NEW SECTION. Sec. 4. Any action effected in accordance with the provisions of the underlined material in section 1 of this act during the period of from May 23, 1969 until the effective date of this act is hereby declared valid.

NEW SECTION. 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.

EXPLANATORY NOTE

Section 1. RCW 46.44.092 was amended in the 1969 extraordinary session by 1969 ex.s. c 281 § 60. The underlined matter in subsection (1) (b) was omitted, but not indicated as deleted. The purpose of section 1 of this bill is to correct the apparently inadvertent omission by replacing the omitted material in its original form. Section 4 validates any action taken during the omission period..

Secs. 2 and 3. RCW 46.81.030 and 46.81.050 were amended during the 1969 extraordinary session by 1969 ex.s. c 199 §§ 24 and 25, and were again amended by 1969 ex.s. c 218 §§ 3 and 4 without reference to the earlier amendments.

RCW 46.81.030 was amended by 1969 ex.s. c 199 § 24 relating to the disposition of fines, fees, forfeitures and penalties collected or assessed by a justice court. 1969 ex.s. c 218 § 3 changed "driver education account" to "traffic safety education account", and also changed the amount of penalty assessments to be paid into said account from three to five dollars, on fines and bail forfeitures.

RCW 46.81.050 was amended by 1969 ex.s. c 199 § 25 which added the proviso at the end of the section relating to the disposition of fines, fees, forfeitures and penalties collected or assessed by justice courts. 1969 ex.s. c 218 § 4 changed "driver education account" to "traffic safety account".

As these amendments appear to be in different respects, the purpose of this bill is to give effect to both amendments to both sections by reenacting the sections with the amendments included therein.

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CHAPTER 10
[House Bill No. 36]
ELECTIONS--CODE CORRECTIONS

AN ACT Relating to elections; reenacting section 29.21.150, chapter 9, Laws of 1965 as last amended by section 89, chapter 176, Laws of 1969 ex. sess., and by section 11, chapter 221, Laws of 1969 ex. sess., and by section 57, chapter 283, Laws of 1969 ex. sess., and RCW 29.21.150; reenacting section 29.21.180, chapter 9, Laws of 1965 as last amended by section 1, chapter 131, Laws of 1969, and by section 90, chapter 176, Laws of 1969 ex. sess., and by section 58, chapter 283, Laws of 1969 ex. sess., and RCW 29.21.180; and declaring an emergency.

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

Section 1. Section 29.21.150, chapter 9, Laws of 1965 as last amended by section 89, chapter 176, Laws of 1969 ex. sess., and by section 11, chapter 221, Laws of 1969 ex. sess., and by section 57, chapter 283, Laws of 1969 ex. sess., and RCW 29.21.150 are each reenacted to read as follows:

The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a single nonpartisan position shall appear on the general election ballot under the designation therefor: PROVIDED, That in elections for justices of the supreme court, judges of the court of appeals and judges of the superior court, for justices of the peace, and for state superintendent of public instruc-

tion, and for directors of first class school districts, if any candidate in the primary receives a majority of all the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter: PROVIDED FURTHER, That the provisions of Article IV, Section 29 of the Washington Constitution shall apply to offices of judges of the court of appeals.

Sec. 2. Section 29.21.180, chapter 9, Laws of 1965, as last amended by section 1, chapter 131, Laws of 1969, and by section 90, chapter 176, Laws of 1969 ex. sess., and by section 58, chapter 283, Laws of 1969 ex. sess., and RCW 29.21.180 are each reenacted to read as follows:

No primary shall be held relating to the office of state superintendent of public instruction or, except for school districts of the first class having an enrollment of seventy thousand pupils or more in class AA counties, officers of other first class school districts if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for each position to be filled. In such event all candidates concerned shall be notified. Names of candidates that would have been printed upon the primary ballot, but for the provisions of this section, shall be printed upon the general election ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates.

NEW SECTION. Sec. 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.

EXPLANATORY NOTE

Section 1. RCW 29.21.150 was amended three times in the 1969 extraordinary session. 1969 ex.s. c 176 § 89 (which was expressly amended by 1969 ex.s. c 283 § 57) deleted county superintendent of schools from the provision that only names of candidates receiving a

majority vote in the primary be printed on the general election ballot. 1969 ex.s. c 221 § 11 changed "judges" to "justices" of the supreme court, and added "judges of the court of appeals" in the first proviso, and also added the proviso at the end of the section. 1969 ex.s. c 283 § 57 (expressly amending 1969 ex.s. c 176 § 89) added directors of first class school districts to the first proviso.

As these amendments appear to be in different respects, the purpose of this bill is to give effect to all of them by reenacting the section with the amendments included in it.

Sec. 2. RCW 29.21.180 was amended three times during the 1969 regular and extraordinary sessions. 1969 c 131 § 1 excepted first class school districts having an enrollment of 70,000 or more in class AA counties from the provision that no primary be held when no more than two candidates file for each position to be filled. 1969 ex.s. c 176 § 90 (which was expressly amended by 1969 ex.s. c 283 § 58) deleted county superintendent of schools from the section. 1969 ex.s. c 283 § 58 (expressly amending 1969 ex.s. c 176 § 90) added the same exception relating to certain first class school districts as 1969 c 131 § 1, and also changed "officers of school districts embracing a city of over one hundred thousand population" to "officers of other first class school districts".

As these amendments appear to be in different respects, the purpose of this bill is to give effect to each by reenacting the section with the amendments included in it.

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CHAPTER 11
 [House Bill No. 37]
 METROPOLITAN MUNICIPAL CORPORATIONS--
 CODE CORRECTIONS

AN ACT Relating to metropolitan municipal corporations; reenacting section 35.58.450, chapter 7, Laws of 1965 as last amended by section 16, chapter 232, Laws of 1969 ex. sess., and by section 17, chapter 255, Laws of 1969 ex. sess., and RCW 35.58-.450; reenacting section 35.58.460, chapter 7, Laws of 1965 as last amended by section 17, chapter 232, Laws of 1969 ex. sess., and by section 18, chapter 255, Laws of 1969 ex. sess., and RCW 35.58.460; and declaring an emergency.

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

Section 1. Section 35.58.450, chapter 7, Laws of 1965 as last amended by section 16, chapter 232, Laws of 1969 ex. sess., and by

section 17, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.450 are each reenacted to read as follows:

Notwithstanding the limitations of chapter 39.36 RCW and any other statutory limitations otherwise applicable and limiting municipal debt, a metropolitan municipal corporation shall have the power to authorize and to issue general obligation bonds and to pledge the full faith and credit of the corporation to the payment thereof, for any authorized capital purpose of the metropolitan municipal corporation: PROVIDED, That a proposition authorizing the issuance of any such bonds to be issued in excess of one and one-half percent of the actual value of the taxable property therein as ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness shall have been submitted to the electors of the metropolitan municipal corporation at a special election and assented to by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of votes cast within the area of said metropolitan municipal corporation at the last preceding state general election. Such general obligation bonds may be authorized in any total amount in one or more propositions and the amount of such authorization may exceed the amount of bonds which could then lawfully be issued. Such bonds may be issued in one or more series from time to time out of such authorization but at no time shall the total general indebtedness of the metropolitan municipal corporation exceed five percent of the actual value of the taxable property therein to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness. Both principal of and interest on such general obligation bonds shall be payable from annual tax levies to be made upon all the taxable property within the metropolitan municipal corporation in excess of the forty mill tax limit and may also be made payable from any other taxes or any special assessments which the metropolitan municipal corporation may

be authorized to levy and from any otherwise unpledged revenue which may be derived from the ownership or operation of properties or facilities incident to the performance of the authorized function for which such bonds are issued. The metropolitan council may include in the principal amount of such bond issue an amount for engineering, architectural, planning, financial, legal, urban design and other services incident to acquisition or construction solely for authorized capital purposes and may include an amount to establish a guaranty fund for revenue bonds issued solely for capital purposes.

General obligation bonds shall bear interest at a rate of not to exceed eight percent per annum and shall mature in not to exceed forty years from the date of issue. The various annual maturities shall commence not more than five years from the date of issue of the bonds and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies.

Such bonds shall be signed by the chairman and attested by the secretary of the metropolitan council, one of which signatures may be a facsimile signature and the seal of the metropolitan corporation shall be impressed or imprinted thereon. Each of the interest coupons shall be signed by the facsimile signatures of said officials. General obligation bonds shall be sold at public sale as provided by law for sale of general obligation bonds of cities of the first class and at a price not less than par and accrued interest.

Sec. 2. Section 35.58.460, chapter 7, Laws of 1965 as last amended by section 17, chapter 232, Laws of 1969 ex. sess., and by section 18, chapter 255, Laws of 1969 ex. sess., and RCW 35.58.460 are each reenacted to read as follows:

A metropolitan municipal corporation may issue revenue bonds to provide funds to carry out its authorized metropolitan sewage disposal, water supply, garbage disposal or transportation purposes, without submitting the matter to the voters of the metropolitan municipal corporation. The metropolitan council shall create a special

fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the metropolitan council may obligate the metropolitan municipal corporation to pay such amounts of the gross revenue of the particular utility constructed, acquired, improved, added to, or repaired out of the proceeds of sale of such bonds, as the metropolitan council shall determine and may obligate the metropolitan municipal corporation to pay such amounts out of otherwise unpledged revenue which may be derived from the ownership, use or operation of properties or facilities owned, used or operated incident to the performance of the authorized function for which such bonds are issued or out of otherwise unpledged fees, tolls, charges, tariffs, fares, rentals, special taxes or other sources of payment lawfully authorized for such purpose, as the metropolitan council shall determine. The principal of, and interest on, such bonds shall be payable only out of such special fund or funds, and the owners and holders of such bonds shall have a lien and charge against the gross revenue of such utility or any other revenue, fees, tolls, charges, tariffs, fares, special taxes or other authorized sources pledged to the payment of such bonds.

Such revenue bonds and the interest thereon issued against such fund or funds shall be a valid claim of the holders thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the metropolitan municipal corporation.

Each such revenue bond shall state upon its face that it is payable from such special fund or funds, and all revenue bonds issued under this chapter shall be negotiable securities within the provisions of the law of this state. Such revenue bonds may be registered either as to principal only or as to principal and interest, or may be bearer bonds, shall be in such denominations as the metropolitan council shall deem proper; shall be payable at such time or times and at such places as shall be determined by the metropolitan council; shall bear interest at such rate or rates as shall be de-

terminated by the metropolitan council, shall be signed by the chairman and attested by the secretary of the metropolitan council, one of which signatures may be a facsimile signature, and the seal of the metropolitan municipal corporation shall be impressed or imprinted thereon; each of the interest coupons shall be signed by the facsimile signatures of said officials.

Such revenue bonds shall be sold in such manner as the metropolitan council shall deem to be for the best interests of the metropolitan municipal corporation, either at public or private sale. The aggregate interest cost to maturity of the money received for such revenue bonds shall not exceed eight percent per annum.

The metropolitan council may at the time of the issuance of such revenue bonds make such covenants with the purchasers and holders of said bonds as it may deem necessary to secure and guarantee the payment of the principal thereof and the interest thereon, including but not being limited to covenants to set aside adequate reserves to secure or guarantee the payment of such principal and interest, to maintain rates sufficient to pay such principal and interest and to maintain adequate coverage over debt service, to appoint a trustee or trustees for the bondholders to safeguard the expenditure of the proceeds of sale of such bonds and to fix the powers and duties of such trustee or trustees and to make such other covenants as the metropolitan council may deem necessary to accomplish the most advantageous sale of such bonds. The metropolitan council may also provide that revenue bonds payable out of the same source may later be issued on a parity with revenue bonds being issued and sold.

The metropolitan council may include in the principal amount of any such revenue bond issue an amount to establish necessary reserves, an amount for working capital and an amount necessary for interest during the period of construction of any such metropolitan facilities plus six months. The metropolitan council may, if it deems it to the best interest of the metropolitan municipal corporation, provide in any contract for the construction or acquisition of

any metropolitan facilities or additions or improvements thereto or replacements or extensions thereof that payment therefor shall be made only in such revenue bonds at the par value thereof.

If the metropolitan municipal corporation shall fail to carry out or perform any of its obligations or covenants made in the authorization, issuance and sale of such bonds, the holder of any such bond may bring action against the metropolitan municipal corporation and compel the performance of any or all of such covenants.

NEW SECTION. Sec. 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.

EXPLANATORY NOTE

Section 1. RCW 35.58.450 was amended twice by the 1969 extraordinary session of the legislature. 1969 ex.s. c 232 § 16 changed the interest rate for general obligation bonds from six to eight percent per annum. 1969 ex.s. c 255 § 17 added to the provision relating to the submission to the electors of a proposition authorizing the issuance of general obligation bonds "to be issued in excess of one and one-half percent of the actual value of the taxable property therein as ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness". It also provided that the principal and interest on such bonds may also be made payable from "other taxes or any special assessments which the metropolitan municipal corporation may be authorized to levy". The interest rate was changed from six to eight percent as in the amendment by 1969 ex.s. c 232 § 16; and provision was made that the seal of the metropolitan municipal corporation may be impressed "or imprinted" on the bonds.

As there appears to be no conflict between these amendments, the purpose of this bill is to clarify the legislative history of each by reenacting the sections with each amendment in it.

Sec. 2. RCW 35.58.460 was amended twice by the 1969 extraordinary session. 1969 ex.s. c 232 § 17 changed the aggregate interest cost to maturity of money received for revenue bonds from seven percent per annum to eight percent per annum. 1969 ex.s. c 255 § 18 made the same change in interest cost as 1969 ex.s. c 232 § 17, and also authorized payment of the principal and interest on revenue bonds from certain otherwise unpledged revenue, fees, tolls, etc., and that the owners and holders of such bonds shall have a lien against said unpledged sources.

As there appears to be no conflict between the two amendments, the purpose of this bill is to clarify the legislative history of each by reenacting the sec-

tion with each of the amendments included therein.

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CHAPTER 12
[House Bill No. 38]
STATE CIVIL SERVICE--
CODE CORRECTIONS

AN ACT Relating to state government; reenacting section 2, chapter 1, Laws of 1961 as last amended by section 6, chapter 45, Laws of 1969, and by section 21, chapter 36, Laws of 1969 ex. sess., and RCW 41.06.020; reenacting section 8, chapter 1, Laws of 1961 as amended by section 5, chapter 45, Laws of 1969, and by section 2, chapter 152, Laws of 1969 ex. sess. and RCW 41-.06.080; and declaring an emergency.

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

Section 1. Section 2, chapter 1, Laws of 1961 as last amended by section 6, chapter 45, Laws of 1969, and by section 21, chapter 36, Laws of 1969 ex. sess. and RCW 41.06.020 are each reenacted to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) "Agency" means an office, department, board, commission or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature;

(2) "Board" means the state personnel board established under the provisions of RCW 41.06.110, except that this definition does not apply to the words "board" or "boards" when used in RCW 41.06.070;

(3) "Classified service" means all positions in the state service subject to the provisions of this chapter;

(4) "Competitive service" means all positions in the classi-

fied service for which a competitive examination is required as a condition precedent to appointment;

(5) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required;

(6) "Department" means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board or council, by law empowered to operate the agency responsible either to (1) no other public officer or (2) the governor.

Sec. 2. Section 8, chapter 1, Laws of 1961, as amended by section 5, chapter 45, Laws of 1969, and by section 2, chapter 152, Laws of 1969 ex. sess., and RCW 41.06.080 are each reenacted to read as follows:

Notwithstanding the provisions of this chapter, the department of personnel may make its services available on request, on a reimbursable basis, to:

- (1) Either the legislative or the judicial branch of the state government;
- (2) Any county, city, town, or other municipal subdivision of the state;
- (3) The institutions of higher learning;
- (4) Any agency, class, or position set forth in RCW 41.06.070.

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

EXPLANATORY NOTE

Section 1. RCW 41.06.020 was twice amended by the 1969 legislature. 1969 c 45 § 6 deleted "the personnel board established under RCW 41.06.060" in subdivision (3). 1969 ex.s. c 36 § 21 deleted subdivision (1) defining institutions of higher learning, deleted "the personnel committee established under RCW 41.06.050" in subdivision (3), and renumbered the subdivisions.

As these amendments appear to be in different respects, the purpose of this bill is to give effect to both amendments by reenacting the section with both a-

mendments included therein.

Sec. 2. RCW 41.06.080 was twice amended by the 1969 legislature. 1969 c 45 § 5 deleted subdivision (4) referring to the department of highways. 1969 ex. s. c 152 § 2 also deleted the reference to the department of highways, and substituted "Any agency, class, or position set forth in RCW 41.06.070".

As these amendments appear to be in different respects, the purpose of this bill is to give effect to both amendments by reenacting the section with both amendments included therein.

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CHAPTER 13

[House Bill No. 39]

INTOXICATING LIQUOR--CODE CORRECTIONS

AN ACT Relating to intoxicating liquor; reenacting section 23-J added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937, as last amended by section 1, chapter 21, Laws of 1969 ex. sess., and by section 2, chapter 275, Laws of 1969 ex. sess., and RCW 66.24.160; reenacting section 23S-3 added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 5, Laws of 1949, as last amended by section 1, chapter 136, Laws of 1969 ex. sess., and by section 6, chapter 178, Laws of 1969 ex. sess., and RCW 66.24.420; and declaring an emergency.

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

Section 1. Section 23-J added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937, as last amended by section 1, chapter 21, Laws of 1969 ex. sess., and by section 2, chapter 275, Laws of 1969 ex. sess., and RCW 66.24.160 are each reenacted to read as follows:

A liquor importer's license may be issued to any qualified person, firm or corporation, entitling the holder thereof to import into the state any liquor other than beer or wine; to store the same within the state, and to sell and export the same from the state; fee three hundred dollars per annum. Such liquor importer's license shall be subject to all conditions and restrictions imposed by this title or by the rules and regulations of the board, and shall be issued

only upon such terms and conditions as may be imposed by the board. No liquor importer's license shall be required in sales to the Washington state liquor control board.

Sec. 2. Section 23S-3 added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 5, Laws of 1949, as last amended by section 1, chapter 136, Laws of 1969 ex. sess., and by section 6, chapter 178, Laws of 1969 ex. sess., and RCW 66.24.420 are each reenacted to read as follows:

(1) The class H license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be three hundred thirty dollars.

(b) The annual fee for said license, if issued to any other class H licensee in incorporated cities and towns, shall be graduated according to the population thereof as follows:

Incorporated cities and towns of less than 10,000 population; fee \$550.00;

Incorporated cities and towns of 10,000 and less than 100,000 population; fee \$825.00;

Incorporated cities and towns of 100,000 population and over; fee \$1,100.00.

(c) The annual fee for said license when issued to any other class H licensee outside of incorporated cities and towns shall be: one thousand one hundred dollars; this fee shall be prorated according to the calendar months, or major portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(d) The fee for any dining, club or buffet car, or any boat or airplane shall be as provided in subsection (4) of this section.

(e) Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more

than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a restaurant in an airport terminal facility shall be required to maintain in a substantial manner a least one place on the premises for preparing, cooking and serving of complete meals, and such food service shall be available on request in other licensed places on the premises: PROVIDED FURTHER, That an additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

(2) The board, so far as in its judgment is reasonably possible, shall confine class H licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue class H licenses outside of cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) Where the license shall be issued to any corporation, association or person operating as a common carrier for hire any dining, club and buffet car or any boat or airplane, such license shall be issued upon the payment of a fee of one hundred sixty-five dollars per annum, which shall be a master license and shall permit such sale upon one such car or boat or airplane, and upon payment of

an additional sum of five dollars per car or per boat or airplane per annum, such license shall extend to additional cars or boats or airplanes operated by the same licensee within the state, and a duplicate license for each such additional car and boat and airplane shall be issued: PROVIDED, That such licensee may make such sales upon cars or boats or airplanes in emergency for not more than five consecutive days without such license: AND PROVIDED FURTHER, That such license shall be valid only while such cars or boats or airplanes are actively operated as common carriers for hire and not while they are out of common carrier service.

(5) The total number of class H licenses issued in the state of Washington by the board shall not in the aggregate at any time exceed one license for each fifteen hundred of population in the state, determined according to the last available federal census.

(6) Notwithstanding the provisions of subsection (5) of this section, the board shall refuse a class H license to any applicant if in the opinion of the board the class H licenses already granted for the particular locality are adequate for the reasonable needs of the community.

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

EXPLANATORY NOTE

Section 1. RCW 66.24.160 was amended twice in the 1969 extraordinary session of the legislature. 1969 ex.s. c 21 § 1 added "wine" to the liquor importer's license. 1969 ex.s. c 275 § 2 changed the fee for liquor importers' licenses to three hundred dollars.

As these two amendments appear to be in different respects, the purpose of this bill is to give effect to both amendments by reenacting the section with both amendments included in it.

Sec. 2. RCW 66.24.420 was amended twice in the 1969 extraordinary session of the legislature. 1969 ex.s. c 136 § 1 added subparagraph (e) to subsection (1) relating to class H licenses for restaurants in airport terminals. 1969 ex.s. c 178 § 6 changed "incorporated cities and towns" to "cities and towns and other communities" in subsections (2) and (3).

As these amendments appear to be in different respects, the purpose of this bill is to give effect to both amendments by reenacting the section with both amendments included therein.

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CHAPTER 14
 [House Bill No. 40]
 EAST CAPITOL SITE BONDS--CODE CORRECTIONS

AN ACT Relating to state lands; amending and reenacting section 4, chapter 105, Laws of 1967 ex. sess. as amended by section 3, chapter 273, Laws of 1969 ex. sess. and RCW 79.24.630; and declaring an emergency.

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

Section 1. Section 4, chapter 105, Laws of 1967 ex. sess. as amended by section 3, chapter 273, Laws of 1969 ex. sess., and RCW 79.24.630 are each amended and reenacted to read as follows:

In addition to any authority previously granted, the state capitol committee is authorized and directed to issue coupon or registered revenue bonds of the state in an amount not to exceed four million dollars. The bonds shall bear interest at such rates and mature at such times as the state capitol committee shall determine by resolution. Both principal and interest shall be payable only from funds received and deposited in the capitol purchase and development account of the general fund or directly from proceeds provided in RCW 79.24.570.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

EXPLANATORY NOTE

The underlined words "and directed" were omitted, but not indicated as deleted, in the amendment of RCW 79.24.630 by 1969 ex.s. c 273 § 3. The section is corrected in this bill by restoring the apparently

inadvertent omission.

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CHAPTER 15
[House Bill No. 41]
EDUCATION--CODE CORRECTIONS

AN ACT Relating to education; reenacting section 10, page 368, Laws of 1909 as amended by section 39, chapter 176, Laws of 1969 ex. sess. and section 42, chapter 199, Laws of 1969 ex. sess. and RCW 28.27.102; reenacting section 3, chapter 276, Laws of 1959 as last amended by section 40, chapter 176, Laws of 1969 ex. sess. and section 1, chapter 184, Laws of 1969 ex. sess. and RCW 28.48.010; reenacting section 2, chapter 68, Laws of 1955 as last amended by section 1, chapter 53, Laws of 1969 and section 1, chapter 153, Laws of 1969 ex. sess. and RCW 28-.58.100; reenacting section 3, chapter 68, Laws of 1955 as last amended by section 1, chapter 15, Laws of 1969 ex. sess., section 1, chapter 34, Laws of 1969 ex. sess. and section 69, chapter 176, Laws of 1969 ex. sess. and RCW 28.67.070; reenacting section 14, chapter 8, Laws of 1967 ex. sess. as amended by section 8, chapter 261, Laws of 1969 ex. sess. and section 22, chapter 283, Laws of 1969 ex. sess. and RCW 28.85-.140; reenacting section 34, chapter 8, Laws of 1967 ex. sess. as amended by section 12, chapter 261, Laws of 1969 ex. sess. and section 2, chapter 283, Laws of 1969 ex. sess. and RCW 28-.85.340; reenacting section 35, chapter 8, Laws of 1967 ex. sess. as amended by section 35, chapter 232, Laws of 1969 ex. sess. and section 13, chapter 261, Laws of 1969 ex. sess. and RCW 28.85.350; reenacting section 36, chapter 8, Laws of 1967 ex. sess. as last amended by section 14, chapter 261, Laws of 1969 ex. sess. and section 1, chapter 276, Laws of 1969 ex. sess. and RCW 28.85.360; reenacting section 6, page 359, Laws of 1909 as amended by section 76, chapter 176, Laws of 1969 ex.

sess. and section 47, chapter 199, Laws of 1969 ex. sess. and RCW 28.87.030; reenacting section 1, page 357, Laws of 1909 as amended by section 78, chapter 176, Laws of 1969 ex. sess. and section 49, chapter 199, Laws of 1969 ex. sess. and RCW 28.87.070; reenacting section 3, page 357, Laws of 1909 as amended by section 79, chapter 176, Laws of 1969 ex. sess. and section 50, chapter 199, Laws of 1969 ex. sess. and RCW 28.87.080; reenacting section 28A.02.070, chapter 223, Laws of 1969 ex. sess. as amended by section 101, chapter 176, Laws of 1969 ex. sess. and section 24, chapter 283, Laws of 1969 ex. sess. and RCW 28A.02.070; reenacting section 28A.27-.102, chapter 223, Laws of 1969 ex. sess. as amended by section 107, chapter 176, Laws of 1969 ex. sess. and section 53, chapter 199, Laws of 1969 ex. sess. and RCW 28A.27.102; reenacting section 28A.48.010, chapter 223, Laws of 1969 ex. sess. as amended by section 108, chapter 176, Laws of 1969 ex. sess. and section 3, chapter 184, Laws of 1969 ex. sess. and RCW 28A.48.010; reenacting section 28A.67.070, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 15, Laws of 1969 ex. sess., section 12, chapter 34, Laws of 1969 ex. sess. and section 143, chapter 176, Laws of 1969 ex. sess. and RCW 28A.67.070; reenacting section 28B.50.140, chapter 223, Laws of 1969 ex. sess. as amended by section 23, chapter 261, Laws of 1969 ex. sess. and section 30, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.140; reenacting section 28B-.50.340, chapter 223, Laws of 1969 ex. sess. as amended by section 6, chapter 238, Laws of 1969 ex. sess. and section 26, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50.340; reenacting section 28B.50.350, chapter 223, Laws of 1969 ex. sess. as amended by section 106, chapter 232, Laws of 1969 ex. sess. and section 27, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50.350; reenacting section 28B.50.360, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter 238, Laws

of 1969 ex. sess. and section 28, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50.360; reenacting section 28A.87.030, chapter 223, Laws of 1969 ex. sess. as amended by section 147, chapter 176, Laws of 1969 ex. sess. and section 56, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.030; reenacting section 28A.87.080, chapter 223, Laws of 1969 ex. sess. as amended by section 149, chapter 176, Laws of 1969 ex. sess. and section 59, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.080; amending section 28A.10.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.10.080; amending sections 1 and 4, chapter 105, Laws of 1969 as codified in RCW 28A.10.100 and 28A.10.110 and RCW 28A.10.100 and 28A.10.110; amending section 28A.47.784, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 77, Laws of 1969 and RCW 28A.47.784; amending section 28B.10.280, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 222, Laws of 1969 ex. sess. and RCW 28B.10.280; adding a new section to chapter 28B.40 RCW; repealing sections 28B.75.010 through 28B.75.070, chapter 223, Laws of 1969 ex. sess. and RCW 28B.75.010 through 28B.75.070; declaring an emergency; making effective dates; and providing for the expiration of certain sections.

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

Section 1. Section 10, page 368, Laws of 1909 as amended by section 39, chapter 176, Laws of 1969 ex. sess. and section 42, chapter 199, Laws of 1969 ex. sess. and RCW 28.27.102 are each reenacted to read as follows:

Any superintendent, teacher or attendance officer, who shall fail or refuse to perform the duties prescribed by RCW 28.27.010 through 28.27.130 shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not less than twenty nor more than one hundred dollars: PROVIDED, That in case of a district officer, such fine shall be paid to the county treasurer and by him placed to the

credit of the school district in which said officer resides, and in case of other officers such fine shall be paid to the county treasurer of the county in which the intermediate school district headquarters office is located and by him placed to the credit of the general school fund of the intermediate school district: PROVIDED, FURTHER, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 2. Section 3, chapter 276, Laws of 1959 as last amended by section 40, chapter 176, Laws of 1969 ex. sess. and section 1, chapter 184, Laws of 1969 ex. sess. and RCW 28.48.010 are each reenacted to read as follows:

On or before the last business day of September, 1969 and each month thereafter, the superintendent of public instruction shall apportion from the current state school fund and/or the state general fund to the several intermediate school districts of the state the proportional share of the total annual amount due and apportionable to such intermediate school districts for the school districts thereof as follows:

September	10	%
October	8	%
November	6.5	%
December	6.5	%
January	13	%
February	13	%
March	11	%
April	5	%
May	5	%
June	5	%
July	8.5	%
August	8.5	%

The annual amount due and apportionable shall be the amount

apportionable for all apportionment credits estimated to accrue to the schools during a year beginning September first and continuing through August thirty-first. Appropriations made for school districts for the biennium beginning July 1, 1969, and ending June 30, 1971, shall consist of the monthly apportionments due for July and August of 1969 plus the apportionments due for twenty-two months beginning with September, 1969 and ending with June, 1971. The apportionment from the state general fund for each month shall be an amount which together with the revenues of the current state school fund will equal the amount due and apportionable to the several intermediate school districts during such month: PROVIDED, That any school district may, through its intermediate school district superintendent, petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed five percent of the total amount to become due and apportionable during the school district's fiscal year. The superintendent of public instruction shall determine if the emergency warrants such advance, and if the funds are available therefor, and if he determines in the affirmative he may approve such advance and at the same time add such an amount to the apportionment for the intermediate school district in which the district is located.

Sec. 3. Section 2, chapter 68, Laws of 1955 as last amended by section 1, chapter 53, Laws of 1969 and section 1, chapter 153, Laws of 1969 ex. sess. and RCW 28.58.100 are each reenacted to read as follows:

Every board of directors, unless otherwise specially provided by law, shall:

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

(2) Enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils and teachers, and enforce the

course of study lawfully prescribed for the schools of their districts;

(3) Rent, repair, furnish and insure schoolhouses and employ janitors, laborers and mechanics;

(4) Cause all schoolhouses to be properly heated, lighted and ventilated, and cause all school premises to be maintained in a cleanly and sanitary condition;

(5) Purchase personal property in the name of the district and receive, lease, issue and hold for their district real and personal property;

(6) Suspend or expel pupils from school who refuse to obey the rules thereof. This subsection shall be construed to include, but shall not be limited to, the right to suspend or expel pupils for the violation of reasonable rules relative to discipline or scholarship;

(7) Provide for the expenditure of a reasonable amount for suitable commencement exercises;

(8) Prepare, negotiate, set forth in writing and adopt, policy relative to the selection of instructional materials. Such policy shall:

(a) State the school district's goals and principles relative to instructional materials;

(b) Delegate responsibility for the preparation and recommendation of teachers' reading lists and specify the procedures to be followed in the selection of all instructional materials including textbooks;

(c) Establish an instructional materials committee to be appointed, with the approval of the school board, by the school district's chief administrative officer. This committee shall consist of representative members of the district's professional staff, including representation from the district's curriculum development committees, and, in the case of districts which operate elementary school(s) only, the intermediate school district superintendent,

one of whose responsibilities shall be to assure the correlation of those elementary district adoptions with those of the high school district(s) which serve their children;

(d) Provide for terms of office for members of the instructional materials committee;

(e) Provide a system for receiving, considering and acting upon written complaints regarding instructional materials used by the school district;

(f) Provide free textbooks, supplies and other instructional materials to be loaned to the pupils of the school, when, in its judgment, the best interests of the district will be subserved thereby and prescribe rules and regulations to preserve such books, supplies and other instructional materials from unnecessary damage.

Recommendation of instructional materials shall be by the district's instructional materials committee in accordance with district policy. Approval shall be by the local school district's board of directors.

Districts may pay the necessary travel and subsistence expenses for expert counsel from outside the district. In addition, the committee's expenses incidental to visits to observe other districts' selection procedures may be reimbursed by the school district.

Districts may, within limitations stated in board policy, use and experiment with instructional materials for a period of time before general adoption is formalized.

Within the limitations of board policy, a school district's chief administrator may purchase instructional materials to meet deviant needs or rapidly changing circumstances.

(9) Establish a depreciation scale for determining the value of texts which students wish to purchase.

Local boards of school directors may declare selected instructional materials obsolete and dispose of them by sale to the highest bidder, following public notice in a newspaper of general circula-

tion in the area.

(10) Authorize schoolrooms to be used for summer or night schools, or for public, literary, scientific, religious, political, mechanical or agricultural meetings, under such regulations as the board of directors may adopt;

(11) Provide and pay for transportation of children to and from school whether such children live within or without the district when in its judgment the best interests of the district will be subserved thereby, but the board is not compelled to transport any pupil living within two miles of the schoolhouse.

When children are transported from one school district to another the board of directors of the respective districts may enter into a written contract providing for a division of the costs of such transportation between the districts.

When commercial charter bus service is not reasonably available to a school district, the state board of education may authorize the use of school buses and drivers hired by the district for the transportation of school children and the school employees necessary for their supervision to and from any school activities within or without the school district during or after school hours and whether or not a required school activity, so long as the school board has officially designated it as a school activity. The school board shall charge, for any extra-curricular uses, an amount sufficient to reimburse the district for its complete cost incurred by reason of such use.

Any school district may contract to furnish the use of school buses of that district to other users who are engaged in conducting an educational or recreational program supported wholly or in part by tax funds at times when those buses are not needed by that district and under such terms as will fully reimburse such school district for all costs related or incident thereto: PROVIDED, HOWEVER, That no such use of school district buses shall be permitted except where other public or private transportation certificated or li-

censed by the Washington utilities and transportation commission is not reasonably available to the user: PROVIDED, FURTHER, That no user shall be required to accept any charter bus for services which the user believes might place the health or safety of the children in jeopardy.

Whenever any school children are transported by the school district in its own motor vehicles and by its own employees, the board may provide insurance to protect the district against loss by reason of theft, fire or property damage to the motor vehicle, and to protect the district against loss by reason of liability of the district to persons from the operation of such motor vehicle.

If the transportation of children is arranged for by contract of the district with some person, the board may require such contractor to procure liability, property, collision or other insurance for the motor vehicle used in such transportation;

(12) Establish and maintain night schools whenever it is deemed advisable;

(13) Make arrangements for free instruction in lip reading to adults handicapped by defective hearing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned: PROVIDED, That in the apportionment of the current school fund each district maintaining such classes for free instruction in lip reading shall be credited with one full day's attendance for each day's attendance of two hours or more;

(14) Join with boards of directors of other school districts in buying supplies, equipment and services collectively, by establishing and maintaining a joint purchasing agency or otherwise, when deemed to be for the best interests of the district, any joint agency formed hereunder being herewith authorized and empowered to issue interest bearing warrants in payment of any obligation owed: PROVIDED, HOWEVER, That those agencies issuing interest bearing warrants shall assign accounts receivable in an amount equal to the amount of the outstanding interest bearing warrants to the county treasurer

issuing such interest bearing warrants;

(15) Adopt written policies on granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or noncertification qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and emergencies for both certified and noncertified employees, and with such compensation as the board of directors prescribe: PROVIDED, That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness and injury as follows:

(a) For such persons under contract with the school district for a full year, at least ten days;

(b) For such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) Compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(d) Leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days, and such accumulated time may be taken at any time during the school year;

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

(f) Accumulated leave under this proviso not taken at the time such person retires or ceases to be employed in the public

schools shall not be compensable;

(g) Accumulated leave under this proviso shall be transferred from one district to another, and from the office of superintendent of public instruction and offices of intermediate school district superintendent and boards of education.

(h) Leave accumulated by a person in a district prior to leaving said district may, under rules and regulations of the board, be granted to such person when he returns to the employment of the district.

Sec. 4. Section 3, chapter 68, Laws of 1955 as last amended by section 1, chapter 15, Laws of 1969 ex. sess., section 1, chapter 34, Laws of 1969 ex. sess. and section 69, chapter 176, Laws of 1969 ex. sess. and RCW 28.67.070 are each reenacted to read as follows:

No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he is the holder of an effective teacher's certificate or other certificate required by law or the state board of education for the position for which the employee is employed.

The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state. Every such contract shall be made in duplicate, one copy of which shall be retained by the school district clerk or secretary, and the other shall be delivered to the employee after having been approved and registered by the intermediate school district superintendent. No contract shall be offered by any board nor approved and registered by the intermediate school district superintendent for the employment of any teacher who has previously signed a contract to teach for that same term in another school district of the state of Washington unless such teacher shall have been released from his obligations under such previous contract by the board of directors

of the school district to which he was obligated. Any contract signed in violation of this provision shall be void.

Every board of directors determining that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term shall notify that employee in writing on or before April 15th preceding the commencement of such term of that determination of the board of directors, which notification shall specify the cause or causes for nonrenewal of contract. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified shall, at his or her request made in writing and filed with the clerk or secretary of the board of directors of the district within ten days after receiving such notice, be granted opportunity for hearing before the board of directors of the district, to determine whether or not the facts constitute sufficient cause or causes for nonrenewal of contract. In the request for hearing, the employee may request either an open or closed hearing. Such board upon receipt of such request shall call the hearing to be held within ten days following the receipt of such request, and shall at least three days prior to the date fixed for the hearing notify the employee in writing of the date, time and place of hearing. The hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the board may determine whether the hearing shall be open or closed. The board may reasonably regulate the conduct of the hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. The board of directors shall, within five days following the conclusion of such hearing, notify the employee in writing of its final decision either to renew or not to renew the employment of the employee for the next ensuing term. Any decision not to renew such employment contract shall be based solely upon the cause or causes for non-

renewal specified in the notice of probable cause to the employee and established by a preponderance of the evidence at the hearing to be sufficient cause or causes for nonrenewal. If any such notification or opportunity for hearing is not timely given by the district, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his employment had actually been renewed by the board of directors for such ensuing term.

Sec. 5. Section 14, chapter 8, Laws of 1967 ex. sess. as amended by section 8, chapter 261, Laws of 1969 ex. sess. and section 22, chapter 283, Laws of 1969 ex. sess. and RCW 28.85.140 are each reenacted to read as follows:

Each community college board of trustees:

- (1) Shall operate all existing community colleges and vocational-technical institutes in its district;
- (2) Shall create comprehensive programs of community college education and training and maintain an open-door policy in accordance with the provisions of RCW 28.85.090(3);
- (3) Shall employ for a period to be fixed by the board a college president for each community college, a director for each vocational-technical institute or school operated by a community college, a district president, if deemed necessary by the board, in the event there is more than one college and/or separated institute or school located in the district, members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties;
- (4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand;
- (5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidence of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community college in accordance with the provisions of RCW 28.76.180 through 28.76.210 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs as specified by law and the regulations of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and au-

thorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the community college district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community college or colleges under its control, and notwithstanding any other provision of law, publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate;

(13) Shall enforce the rules and regulations prescribed by the state board for community college education for the government of community colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community college education as the board of trustees may in its discretion deem necessary or appropriate to the administration of community college districts: PROVIDED, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, conduct at the various community college facilities, scholarships and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this

chapter and not in conflict with the directives of the college board;

(16) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; and

(17) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

Sec. 6. Section 34, chapter 8, Laws of 1967 ex. sess. as amended by section 12, chapter 261, Laws of 1969 ex. sess. and section 2, chapter 283, Laws of 1969 ex. sess. and RCW 28.85.340 are each reenacted to read as follows:

In addition to the powers conferred under RCW 28.85.090, the community college state board is authorized and shall have the power:

(1) To permit the district boards of trustees to contract for the construction, reconstruction, erection, equipping, maintenance, demolition and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances of the college as approved by the community college state board.

(2) To finance the same by the issuance of bonds secured by the pledge of up to sixty percent of the general tuition fees.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or private corporation, association, or person to aid in defraying the costs of any such projects.

(4) To retain bond counsel and professional bond consultants to aid it in issuing bonds pursuant to RCW 28.85.340 through 28.85-.400.

Sec. 7. Section 35, chapter 8, Laws of 1967 ex. sess. as amended by section 35, chapter 232, Laws of 1969 ex. sess. and section 13, chapter 261, Laws of 1969 ex. sess. and RCW 28.85.350 are each reenacted to read as follows:

For the purpose of financing the cost of any projects, the college board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance,

sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable.

Said bonds:

- (1) Shall not constitute
 - (a) an obligation, either general or special, of the state;

or

- (b) a general obligation of the college or of the college board;

- (2) Shall be

- (a) either registered or in coupon form; and

- (b) issued in denominations of not less than one hundred dollars; and

- (c) fully negotiable instruments under the laws of this state; and

- (d) signed on behalf of the college board with the manual or facsimile signature of the chairman of the board, attested by the secretary of the board, have the seal of the college board impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;

- (3) Shall state

- (a) the date of issue; and

- (b) the series of the issue and be consecutively numbered within the series; and

- (c) that the bond is payable both principal and interest solely out of the bond retirement fund created for retirement thereof;

- (4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed eight percent per annum over the life thereof, and no single interest or coupon rate shall exceed eight percent per annum;

- (5) Shall be payable both principal and interest out of the

bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28.85.330 through 28.85.400, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(b) A covenant that sufficient moneys may be transferred from the capital projects account of the college board issuing the bonds to the bond retirement fund of the college board when ordered by the board in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(c) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college board and shall be used solely for paying the costs of the projects, the costs of bond counsel and professional bond consultants incurred in issuing the bonds, and for the purposes set forth in (8) (b) above;

(9) Shall constitute a prior lien and charge against forty

percent of all general tuition fees of the community colleges.

Sec. 8. Section 36, chapter 8, Laws of 1967 ex. sess. as last amended by section 14, chapter 261, Laws of 1969 ex. sess. and section 1, chapter 276, Laws of 1969 ex. sess. and RCW 28.85.360 are each reenacted to read as follows:

There is hereby created in the state treasury a community college bond retirement fund. Within thirty-five days from the date of start of each quarter sixty percent of all general tuition fees of each such community college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of general tuition fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community college bond retirement fund which fund as required, is hereby created in the state treasury. The amounts deposited in the bond retirement fund shall be used exclusively to pay and secure the payment of the principal of and interest on the tuition fee bonds issued by the college board as authorized by this chapter. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding general tuition fee bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) That portion of the sixty percent of all general tuition fees not required for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of any of the bonds as provided in subsection (1) above shall be deposited in the community college capital projects account which ac-

count is hereby created in the general fund of the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes.

Sec. 9. Section 6, page 359, Laws of 1909 as amended by section 76, chapter 176, Laws of 1969 ex. sess. and section 47, chapter 199, Laws of 1969 ex. sess. and RCW 28.87.030 are each reenacted to read as follows:

In case the district clerk fails to make the reports as by law provided, at the proper time and in the proper manner, he shall forfeit and pay to the district the sum of twenty-five dollars for each and every such failure. He shall also be liable, if, through such neglect, the district fails to receive its just apportionment of school moneys, for the full amount so lost. Each and all of said forfeitures shall be recovered in a suit brought by the intermediate school district superintendent or by any citizen of such district, in the name of and for the benefit of such district, and all moneys so collected shall be paid over to the county treasurer and shall be by him placed to the credit of the general fund of the district to which it belongs: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 10. Section 1, page 357, Laws of 1909 as amended by section 78, chapter 176, Laws of 1969 ex. sess. and section 49, chapter 199, Laws of 1969 ex. sess. and RCW 28.87.070 are each reenacted to read as follows:

Any member of the state board of education, any employee of

the state of Washington, any intermediate school district superintendent or any employee of his office, who shall directly or indirectly disclose any question or questions prepared for the examination of teachers or of eighth grade pupils, or any teacher or other person connected with the instruction of or the examination of eighth grade pupils, who shall, before the time appointed for the use of the questions in the examination of such pupils, disclose the questions, or make known their character, or who shall directly or indirectly assist any such eighth grade pupil to answer any question submitted, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred nor more than five hundred dollars. Said fine shall be turned over to the county treasurer of the county in which it is collected, and shall be by him transmitted to the state treasurer, who shall place the same to the credit of the current school fund of the state: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 11. Section 3, page 357, Laws of 1909 as amended by section 79, chapter 176, Laws of 1969 ex. sess. and section 50, chapter 199, Laws of 1969 ex. sess. and RCW 28.87.080 are each reenacted to read as follows:

Any officer or person collecting or receiving any fines, forfeitures or other moneys belonging to the schools of the state of Washington, or belonging to the school fund of any county, intermediate school district or school district in this state, and refusing or failing to pay over the same, as required by law, shall forfeit double the amount so withheld, and interest thereon at the rate of five percent per month during the time of so withholding the same; and it shall be a special duty of the intermediate school district superintendent to supervise and see that the provisions of this section are fully complied with, and report thereon to the county com-

missioners semiannually or oftener. Such fines and penalties, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer, who shall place the same to the credit of the current school fund of the state: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 12. Section 28A.02.070, chapter 223, Laws of 1969 ex. sess. as amended by section 101, chapter 176, Laws of 1969 ex. sess., and section 24, chapter 283, Laws of 1969 ex. sess. and RCW 28A.02-.070 are each reenacted to read as follows:

On the Friday preceding the fourth Monday in October of each year, there shall be presented in each common school as defined in RCW 28A.01.060 a program suitable to the observance of Veterans' Day.

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

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

NEW SECTION. Sec. 13. Notwithstanding any other provision of this 1970 amendatory act, the provisions of section 12 hereof shall not take effect until January 1, 1971 and only if at such time or thereafter chapter 223, Laws of 1969 ex.sess. is effective.

Sec. 14. Section 28A.27.102, chapter 223, Laws of 1969 ex. sess. as amended by section 107, chapter 176, Laws of 1969 ex. sess. and section 53, chapter 199, Laws of 1969 ex.sess. and RCW 28A.27.102 are each reenacted to read as follows:

Any school district superintendent, teacher or attendance officer who shall fail or refuse to perform the duties prescribed by

RCW 28A.27.010 through 28A.27.130 shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not less than twenty nor more than one hundred dollars: PROVIDED, That in case of a school district employee, such fine shall be paid to the appropriate county treasurer and by him placed to the credit of the school district in which said employee is employed, and in case of all other officers such fine shall be paid to the county treasurer of the county in which the intermediate school district headquarters is located and by him placed to the credit of the general school fund of the intermediate school district: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 15. Section 28A.48.010, chapter 223, Laws of 1969 ex.sess. as amended by section 108, chapter 176, Laws of 1969 ex.sess. and section 3, chapter 184, Laws of 1969 ex.sess. and RCW 28A.48.010 are each reenacted to read as follows:

On or before the last business day of September, 1969 and each month thereafter, the superintendent of public instruction shall apportion from the current state school fund and/or the state general fund to the several intermediate school districts of the state the proportional share of the total annual amount due and apportionable to such intermediate school districts for the school districts thereof as follows:

September	10	%
October	8	%
November	6.5	%
December	6.5	%
January	13	%
February	13	%
March	11	%
April	5	%
May	5	%

June	5 %
July	8.5 %
August	8.5 %

The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated to accrue to the schools during a year beginning September first and continuing through August thirty-first. Appropriations made for school districts for the biennium beginning July 1, 1969, and ending June 30, 1971, shall consist of the monthly apportionments due for July and August of 1969 plus the apportionments due for twenty-two months beginning with September, 1969. The apportionment from the state general fund for each month shall be an amount which together with the revenues of the current state school fund will equal the amount due and apportionable to the several intermediate school districts during such month: PROVIDED, That any school district may, through its intermediate school district superintendent, petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed five percent of the total amount to become due and apportionable during the school district's fiscal year. The superintendent of public instruction shall determine if the emergency warrants such advance, and if the funds are available therefor, and if he determines in the affirmative he may approve such advance and at the same time add such an amount to the apportionment for the intermediate school district in which the school district is located.

Sec. 16. Section 28A.67.070, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 15, Laws of 1969 ex. sess., section 12, chapter 34, Laws of 1969 ex. sess. and section 143, chapter 176, Laws of 1969 ex. sess. and RCW 28A.67.070 are each reenacted to read as follows:

No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a

regular or special meeting thereof, nor unless he is the holder of an effective teacher's certificate or other certificate required by law or the state board of education for the position for which the employee is employed.

The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and limited to a term of not more than one year. Every such contract shall be made in triplicate, one copy to be retained by the school district superintendent or secretary, one copy to be retained, after having been approved and registered, by the intermediate school district superintendent, and one copy to be delivered to the employee thereafter. No contract shall be offered by any board nor approved and registered by the intermediate school district superintendent for the employment of any teacher who has previously signed a contract to teach for that same term in another school district of the state of Washington unless such teacher shall have been released from his obligations under such previous contract by the board of directors of the school district to which he was obligated. Any contract signed in violation of this provision shall be void.

Every board of directors determining that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term shall notify that employee in writing on or before April 15th preceding the commencement of such term of that determination of the board of directors, which notification shall specify the cause or causes for nonrenewal of contract. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the chairman or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing before the board of directors of the district,

to determine whether or not the facts constitute sufficient cause or causes for nonrenewal of contract. In the request for hearing, the employee may request either an open or closed hearing. Such board upon receipt of such request shall call the hearing to be held within ten days following the receipt of such request, and at least three days prior to the date fixed for the hearing shall notify the employee in writing of the date, time and place of the hearing. The hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the board may determine whether the hearing shall be open or closed. The board may reasonably regulate the conduct of the hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. The board of directors, within five days following the conclusion of such hearing, shall notify the employee in writing of its final decision either to renew or not to renew the employment of the employee for the next ensuing term. Any decision not to renew such employment contract shall be based solely upon the cause or causes for nonrenewal specified in the notice of probable cause to the employee and established by a preponderance of the evidence at the hearing to be sufficient cause or causes for nonrenewal. If any such notification or opportunity for hearing is not timely given by the district, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his employment had actually been renewed by the board of directors for such ensuing term.

. Sec. 17. Section 28B.50.140, chapter 223, Laws of 1969 ex. sess. as amended by section 23, chapter 261, Laws of 1969 ex. sess. and section 30, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.140 are each reenacted to read as follows:

Each community college board of trustees:

(1) Shall operate all existing community colleges and vocational-technical institutes in its district;

(2) Shall create comprehensive programs of community college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3);

(3) Shall employ for a period to be fixed by the board a college president for each community college, a director for each vocational-technical institute or school operated by a community college, a district president, if deemed necessary by the board, in the event there is more than one college and/or separated institute or school located in the district, members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties;

(4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand;

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such fa-

cilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs as specified by law and the regulations of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the community college district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community college or colleges under its control, and notwithstanding any other provision of law, publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate;

(13) Shall enforce the rules and regulations prescribed by

the state board for community college education for the government of community colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community college education as the board of trustees may in its discretion deem necessary or appropriate to the administration of community college districts: PROVIDED, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships, conduct at the various community college facilities, and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board.

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board;

(16) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; and

(17) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

Sec. 18. Section 28B.50.340, chapter 223, Laws of 1969 ex. sess. as amended by section 6, chapter 238, Laws of 1969 ex. sess. and section 26, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50-.340 are each reenacted to read as follows:

In addition to the powers conferred under RCW 28B.50.090, the community college state board is authorized and shall have the power:

(1) To permit the district boards of trustees to contract for the construction, reconstruction, erection, equipping, maintenance, demolition and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, im-

provements or appurtenances of the college as approved by the community college state board.

(2) To finance the same by the issuance of bonds secured by the pledge of up to sixty percent of the general tuition fees.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or private corporation, association, or person to aid in defraying the costs of any such projects.

(4) To retain bond counsel and professional bond consultants to aid it in issuing bonds pursuant to RCW 28B.50.340 through 28B-.50.400.

Sec. 19. Section 28B.50.350, chapter 223, Laws of 1969 ex. sess. as amended by section 106, chapter 232, Laws of 1969 ex. sess. and section 27, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50.350 are each reenacted to read as follows:

For the purpose of financing the cost of any projects, the college board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable.

Said bonds:

(1) Shall not constitute

(a) an obligation, either general or special, of the state; or

(b) a general obligation of the college or of the college

board;

(2) Shall be

(a) either registered or in coupon form; and

(b) issued in denominations of not less than one hundred dollars; and

(c) fully negotiable instruments under the laws of this state; and

(d) signed on behalf of the college board with the manual or facsimile signature of the chairman of the board, attested by the

secretary of the board, have the seal of the college board impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;

(3) Shall state

(a) the date of issue; and

(b) the series of the issue and be consecutively numbered within the series; and

(c) that the bond is payable both principal and interest solely out of the bond retirement fund created for retirement thereof;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed eight percent per annum over the life thereof, and no single interest or coupon rate shall exceed eight percent per annum;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.50.330 through 28B.50.400, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain

amounts be set aside and maintained therein;

(b) A covenant that sufficient moneys may be transferred from the capital projects account of the college board issuing the bonds to the bond retirement fund of the college board when ordered by the board in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(c) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college board and shall be used solely for paying the costs of the projects, the costs of bond counsel and professional bond consultants incurred in issuing the bonds, and for the purposes set forth in (8) (b) above;

(9) Shall constitute a prior lien and charge against forty percent of all general tuition fees of the community colleges.

Sec. 20. Section 28B.50.360, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter 238, Laws of 1969 ex. sess. and section 28, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50-.360 are each reenacted to read as follows:

There is hereby created in the state treasury a community college bond retirement fund. Within thirty-five days from the date of start of each quarter sixty percent of all general tuition fees of each such community college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of general tuition fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community college bond retirement fund

which fund as required, is hereby created in the state treasury. The amounts deposited in the bond retirement fund shall be used exclusively to pay and secure the payment of the principal of and interest on the tuition fee bonds issued by the college board as authorized by this chapter. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding general tuition fee bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) That portion of the sixty percent of all general tuition fees not required for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of any of the bonds as provided in subsection (1) above shall be deposited in the community college capital projects account which account is hereby created in the general fund of the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes.

Sec. 21. Section 28A.87.030, chapter 223, Laws of 1969 ex. sess. as amended by section 147, chapter 176, Laws of 1969 ex. sess. and section 56, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87-.030 are each reenacted to read as follows:

In case any school district superintendent fails to make reports as by law or rule or regulation promulgated thereunder provided, at the proper time and in the proper manner, he shall forfeit and pay

to the district the sum of twenty-five dollars for each and every such failure. He shall also be liable, if, through such neglect, the district fails to receive its just apportionment of school moneys, for the full amount so lost. Each and all of said forfeitures shall be recovered in a suit brought by the intermediate school district superintendent or by any citizen of such district, in the name of and for the benefit of such district, and all moneys so collected shall be paid over to the county treasurer and shall be by him placed to the credit of the general fund of the district to which it belongs: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 22. Section 28A.87.080, chapter 223, Laws of 1969 ex. sess. as amended by section 149, chapter 176, Laws of 1969 ex. sess. and section 59, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87-.080 are each reenacted to read as follows:

Any person collecting or receiving any fines, forfeitures or other moneys belonging to the schools of the state of Washington, or belonging to the school fund of any county, school district or intermediate school district in this state, and refusing or failing to pay over the same as required by law, shall be liable for double the amount so withheld, and in addition thereto, interest thereon at the rate of five percent per month during the time of so withholding the same; and it shall be a special duty of the intermediate school district superintendent to supervise and see that the provisions of this section are fully complied with, including the initiation of court actions therefor, and report thereon to the appropriate county commissioners at least semiannually. Fines and penalties, exclusive of any moneys recovered belonging to the school fund of any county, school district or intermediate school district in this state, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer who shall place the

same to the credit of the current school fund of the state: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 23. Section 28A.10.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.10.080 are each amended to read as follows:

(1) The state agency may purchase, from any source, by contract, vocational rehabilitation services for handicapped persons, payments for such services to be made subject to procedures and fiscal controls approved by the ((budget))director of of program planning and fiscal management. The performance of and payment for such services shall be subject to post audit review by the state auditor.

(2) Notwithstanding any other provision of RCW 28A.10.080, 28A.10.100, 28A.10.105 and 28A.10.110, when the division determines that a mentally retarded, severely handicapped, or disadvantaged person can reasonably be expected to benefit from, or in his best interests reasonably requires extended sheltered employment or supervised work furnished by an approved nonprofit organization, the division is authorized to contract with such organization for the furnishing of such sheltered employment or supervised work to such mentally retarded, severely handicapped, or disadvantaged person. The division is authorized to expend for or toward the cost of providing such sheltered employment or supervised work a sum or sums not to exceed one thousand five hundred dollars per annum for each such mentally retarded, severely handicapped, or disadvantaged person in order to maintain him as a contributing and self-supporting member of society as an alternative to dependency.

(3) The determination of eligibility for such service shall be made for each individual by the division. The mentally retarded, severely handicapped and disadvantaged individuals served under this law shall be construed to be poor or infirm within the meaning of

the term as used in the state Constitution.

(4) The division shall maintain a register of nonprofit organizations which it has inspected and certified as meeting required standards and as qualifying to serve the needs of such mentally retarded, severely handicapped, or disadvantaged persons. Eligibility of such organizations to receive the funds hereinbefore specified shall be based upon standards and criteria promulgated by the division.

(5) The division of vocational rehabilitation, with the approval of the coordinating council for occupational education, is authorized to promulgate such rules and regulations as it may deem necessary or proper to carry out the provisions of this section.

Sec. 24. Section 1, chapter 105, Laws of 1969 as codified in RCW 28A.10.100 and RCW 28A.10.110 are each amended to read as follows:

The purpose of (~~section 2, chapter 105, Laws of 1969 (RCW 28A.10.080)~~) section 23 of this 1970 amendatory act, RCW 28A.10.100, 28A.10.105 and 28A.10.110 is to encourage the development, improvement, and expansion of sheltered employment and supervised work programs for mentally retarded, severely handicapped and disadvantaged individuals to enable them to become contributing and self-supporting members of society as an alternative to dependency.

The condition of the mentally retarded, severely handicapped and disadvantaged is such that after laborious training in the schools and otherwise, they reach the point in their lives where they can and should, under proper and continued guidance, engage in sheltered employment and/or supervised work to help them become contributing members of society instead of being dependent. For such persons, retention in sheltered employment or supervised work may constitute satisfactory placement. Such training and placement is often a suitable alternative to institutionalization or idleness and its consequences. By keeping these individuals within their communities and in touch with their families, a worthwhile dimension is added to their lives and they are thus spared the anxieties naturally at-

tached to separation. All of these factors have also been shown to reflect tangible benefits upon the mentally retarded, severely handicapped or disadvantaged person by improving his overall well-being.

Sec. 25. Section 4, chapter 105, Laws of 1969 as codified in RCW 28A.10.110 and RCW 28A.10.110 are each amended to read as follows:

It is further provided that any federal funds available may be used to supplement (~~section 2, chapter 105, Laws of 1969 (RCW 28A.10.080)~~) section 23 of this 1970 amendatory act, RCW 28A.10.100, 28A.10.105 and 28A.10.110.

Sec. 26. Section 28A.47.784, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 77, Laws of 1969 and RCW 28A.47.784 are each amended to read as follows:

For the purpose of furnishing funds for state assistance to school districts in providing common school plant facilities and modernization of existing common school plant facilities, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of twenty-two million dollars to be paid and discharged (~~not more than twenty years after the date of issuance~~) in accordance with terms to be established by the finance committee.

The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee: PROVIDED, That no part of the twenty-two million dollar bond issue shall be sold unless there are insufficient funds in the common school construction fund to meet appropriations authorized by RCW 28A.47.784 through 28A.47.791 as evidenced by a joint agreement entered into between the governor and the superintendent of public instruction.

The state finance committee is authorized to 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. The covenants of said bonds may include but not be limited to a covenant for the creation, maintenance and replenishment of a reserve account or accounts within the common school building bond redemption fund of

1967 to secure the payment of the principal of and interest on said bonds, into which it shall be pledged there will be paid, from the same sources pledged for the payment of such principal and interest, such amounts at such times which in the opinion of the state finance committee are necessary for the most advantageous sale of said bonds; a covenant that additional bonds which may be authorized by the legislature payable out of the same source or sources may be issued on a parity with the bonds authorized in RCW 28A.47.784 through 28A.47-.791 upon compliance with such conditions as the state finance committee may deem necessary to effect the most advantageous sale of the bonds authorized in RCW 28A.47.784 through 28A.47.791 and such additional bonds; and if found reasonably necessary by the state finance committee to accomplish the most advantageous sale of the bonds authorized herein or any issue or series thereof, such committee may select a trustee for the owners and holders of such bonds or issue or series thereof and shall fix the rights, duties, powers and obligations of such trustee. The money in such reserve account or accounts and in such common school construction fund may be invested in any investments that are legal for the permanent common school fund of the state, and any interest earned on or profits realized from the sale of any such investments shall be deposited in such common school building bond redemption fund of 1967. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto. Such bonds shall be payable at such places as the state finance committee may provide.

Sec. 27. Section 28B.10.280, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 222, Laws of 1969 ex. sess. and RCW 28B.10.280 are each amended to read as follows:

The boards of regents of the state universities and the boards of trustees of the state colleges and community college districts may each create student loan funds, and qualify and participate in the National Defense Education Act of 1958 and such other similar federal student aid programs as are or may be enacted from time to time, and to that end may comply with all of the laws of the United States, and all of the rules, regulations and requirements promulgated pursuant thereto.

NEW SECTION. Sec. 28. There is added to chapter 28B.40 RCW a new section to read as follows:

Each board of trustees of the state colleges may:

(1) Contract for such fire protection services as may be necessary for the protection and safety of the students, staff and property of the college;

(2) By agreement pursuant to the provisions of chapter 239, Laws of 1967 (chapter 39.34 RCW), as now or hereafter amended, join together with other agencies or political subdivisions of the state or federal government and otherwise share in the accomplishment of any of the purposes of subsection (1) of this section:

PROVIDED, HOWEVER, That neither the failure of the trustees to exercise any of its powers under this section nor anything herein shall detract from the lawful and existing powers and duties of political subdivisions of the state to provide the necessary fire protection equipment and services to persons and property within their jurisdiction.

NEW SECTION. Sec. 29. Sections 28B.75.010 through 28B.75.070, chapter 223, Laws of 1969 ex. sess. and RCW 28B.75.010 through 28B-.75.070 are each hereby repealed.

NEW SECTION. Sec. 30. Notwithstanding any other provision of this 1970 amendatory act, sections 1 through 11 hereof shall remain law until chapter 223, Laws of 1969 ex. sess. becomes effective, at which time sections 1 through 11 hereof shall become void and of no effect and sections 12 through 29 of this 1970 amendatory act

shall become effective.

NEW SECTION. Sec. 31. 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 shall take effect immediately.

NEW SECTION. Sec. 32. If any provision of this 1970 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

EXPLANATORY NOTE

Section 1. RCW 28.27.102 was twice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 176 § 39 amended section to provide for the disposition of certain fines which would thereafter go to the county treasurer "of the county in which the intermediate school district headquarters office is located" and placed to credit of the "intermediate school district".

(2) 1969 ex.s. c 199 § 42 added the last proviso in the present section providing for disposition of certain fines collected or assessed in justice court because of a violation of state law.

Sec. 2. RCW 28.48.010 was twice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 176 § 40 amended section substituting "intermediate school districts" for "counties" or "county superintendents" as medium for the apportionment of certain state funds to school districts (formerly county superintendents abolished elsewhere within the bill, was medium).

(2) 1969 ex.s. c 184 § 1 amended actual amounts to be distributed to school districts for each month of the year, and more particularly for the school years 1969-70 and 1970-71.

Sec. 3. RCW 28.58.100 was twice amended during the 1969 legislature, once during the regular session and again during the extraordinary session, each without reference to the other.

(1) 1969 c 53 § 1 amended subsection (14) thereof permitting joint agencies to issue interest bearing warrants in payment of obligations owed.

(2) 1969 ex.s. c 153 § 1 added a new paragraph to subsection (11) relating to the use of school buses under prescribed conditions to other users engaged in conducting certain educational or recreational programs.

Sec. 4. RCW 28.67.070 was thrice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 15 § 1 amended the section by adding two new sentences at the end of the second paragraph thereof making void any teachers' contracts entered into or approved when such teacher had already entered into a

contract to teach for the same term with another school district.

(2) 1969 ex.s. c 34 § 1 amended the section with relation to the nonrenewal of employment contracts and hearings thereon.

(3) 1969 ex.s. c 176 § 69 amended the section by changing "county or intermediate district superintendent" to "intermediate school district superintendent" through-out.

Sec. 5. RCW 28.85.140 was twice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 261 § 8 amended subsection (3) thereof adding the words "if deemed necessary by the board" relating to hiring of a district president, and added a new subsection (16) permitting payment of dues by boards of community college trustees to any association they might form, and renumbered former subsection "(16)" to "(17)".

(2) 1969 ex.s. c 283 § 22 amended the first proviso to subsection (13) by including in the scope of rules and regulations the board must act on that relating to "conduct at the various community college facilities".

Sec. 6. RCW 28.85.340 was twice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 238 § 2 amended subsection (2) by substituting "sixty" percent for "forty" percent in relation to the amount of general tuition fees pledged to secure issue of bonds.

(2) 1969 ex.s. c 261 § 12 added a new subsection (4) thereto relating to retention of bond counsel and professional bond consultants.

Sec. 7. RCW 28.85.350 was twice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 232 § 35 amended subsection (4) by substituting "eight" percent for "six" percent with relation to interest payable on bonds.

(2) 1969 ex.s. c 261 § 13 amended subsection (8)(c) by including in allotted costs for use of bond proceeds "the costs of bond counsel and professional bond consultants...".

Sec. 8. RCW 28.85.360 was twice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 261 § 14 from Substitute Engrossed House Bill No. 480 derived from section 15 of the original House Bill 480 which did indeed amend RCW 28.85.360, but when the substitute engrossed bill came out such amendment had been deleted, thus leaving section in its prior form.

(2) 1969 ex.s. c 276 § 1 amended the first paragraph of the section by substituting "sixty" percent for "forty" percent with relation to general tuition fees payable into the state treasury.

Sec. 9. RCW 28.87.030 was twice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 176 § 76 amended section by changing "county superintendent" to "intermediate school district superintendent".

(2) 1969 ex.s. c 199 § 47 amended section by adding proviso thereto providing for disposition of fines and

penalties collected or assessed by justice courts because of violation of a state law.

Sec. 10. RCW 28.87.070 was twice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 176 § 78 amended section by changing "county superintendent" to "intermediate school district superintendent".

(2) 1969 ex.s. c 199 § 49 amended section by adding proviso thereto providing for disposition of fines and penalties collected or assessed by justice courts because of violation of a state law.

Sec. 11. RCW 28.87.080 was twice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 176 § 79 amended section by changing "county superintendent" to "intermediate school district superintendent".

(2) 1969 ex.s. c 199 § 50 amended section by adding proviso thereto providing for disposition of fines and penalties collected or assessed by justice courts because of violation of a state law.

Sec. 12. RCW 28A.02.070 was twice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 176 § 101 amended section by changing "county superintendent" to "intermediate school district superintendent".

(2) 1969 ex.s. c 283 § 24 amended section by providing particular Friday in each year when program suitable to Veterans' Day will be held.

Sec. 13. This new section is added because in the amendment of RCW 28A.02.070 above by 1969 ex.s. c 283 § 24 the last paragraph of the amendatory section read "The provision of the 1969 amendment to this section shall not take effect until January 1, 1971." In RCW language this statement is only confusing since the reader would have no idea what the 1969 amendment was (without reference back to the 1969 session law). The effective date of the amendment should have been a separate section and thus we have omitted such language in our reenactment of RCW 28A.02.070 above and set forth this separate section.

Sec. 14. RCW 28A.27.102 was twice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 176 § 107 amended section to provide for the disposition of certain fines which would thereafter go to the county treasurer "of the county in which the intermediate school district headquarters office is located" and placed to credit of the "intermediate school district".

(2) 1969 ex.s. c 199 § 53 added the last proviso in the present section providing for disposition of certain fines collected or assessed in justice court because of a violation of state law.

Sec. 15. RCW 28A.48.010 was twice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 176 § 108 amended section substituting "intermediate school districts" for "counties" or "county superintendents" as medium for the apportionment of certain state funds to school districts (formerly county superintendents, abolished elsewhere within the bill, was medium).

(2) 1969 ex.s. c 184 § 3 amended actual amounts to be distributed to school districts for each month of the year, and more particularly, for the school years 1969-70 and 1970-71.

Sec. 16. RCW 28A.67.070 was thrice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 15 § 2 amended the section by adding two new sentences at the end of the second paragraph thereof making void any teachers' contracts entered into or approved when such teacher had already entered into a contract to teach for the same term with another school district.

(2) 1969 ex.s. c 34 § 12 amended the section with relation to the nonrenewal of employment contracts and hearings thereon.

(3) 1969 ex.s. c 176 § 143 amended the section by changing "county or intermediate district superintendent" to "intermediate school district superintendent" throughout.

Sec. 17. RCW 28B.50.140 was twice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 261 § 23 amended subsection (3) thereof adding the words "if deemed necessary by the board" relating to the hiring of a district president, and added a new subsection (16) permitting payment of dues by boards of community college trustees to any association they might form, and renumbered former subsection "(16)" to "(17)".

(2) 1969 ex.s. c 283 § 30 amended the first proviso to subsection (13) by including in the scope of rules and regulations the board must act on that relating to "conduct at the various community college facilities".

Sec. 18. RCW 28B.50.340 was twice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 238 § 6 amended subsection (2) by substituting "sixty" percent for "forty" percent in relation to the amount of general tuition fees pledged to secure issue of bonds.

(2) 1969 ex.s. c 261 § 26 added a new subsection (4) thereto relating to retention of bond counsel and professional bond consultants.

Sec. 19. RCW 28B.50.350 was twice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 232 § 106 amended subsection (4) by substituting "eight" percent for "six" percent with relation to interest payable on bonds.

(2) 1969 ex.s. c 261 § 27 amended subsection (8) (c) by including in allotted costs for use of bond proceeds "the costs of bond counsel and professional bond consultants...".

Sec. 20. RCW 28B.50.360 was twice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 261 § 28 from Substitute Engrossed House Bill No. 480 derived from section 29 of the original House Bill 480 which did indeed amend RCW 28B.50.360 but when the substitute engrossed bill came out such amendment had been deleted, thus leaving section in its prior form.

(2) 1969 ex.s. c 238 § 7 amended the first paragraph of the section and the first line of subsection (2) by substituting "sixty" percent for "forty" percent with relation to general tuition fees payable into the state treasury.

Sec. 21. RCW 28A.87.030 was twice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 176 § 147 amended section by changing "county superintendent" to "intermediate school district superintendent".

(2) 1969 ex.s. c 199 § 56 amended section by adding proviso thereto providing for disposition of fines and penalties collected or assessed by justice courts because of violation of a state law.

Sec. 22. RCW 28A.87.080 was twice amended during the 1969 extraordinary session, each without reference to the other.

(1) 1969 ex.s. c 176 § 149 amended section by changing "county superintendent" to "intermediate school district superintendent" throughout.

(2) 1969 ex.s. c 199 § 59 amended section by adding proviso thereto providing for disposition of fines and penalties collected or assessed by justice courts because of violation of a state law.

Sec. 23.)

Sec. 24.) RCW 28A.10.080, 28A.10.100 and 28A.10.110

Sec. 25.) are amended because 1969 c 105 amended

RCW 28.10.080 but not RCW 28A.10.080, the like 1969 school code section; to obtain an integrated new school code the new sections of 1969 c 105 were placed in chapter 28A.10 and translations to include the reference to RCW 28.10.080 were made therein, thus the necessity to amend RCW 28A.10.100 and 28A.10.110.

Sec. 26. RCW 28A.47.784 is amended to include language which was added to 1969 c 77 § 1, amending RCW 28.47.784, but was not included in 1969 c 77 § 4, amending RCW 28A.47.784, the like 1969 school code section.

Sec. 27. RCW 28B.10.280 is amended to include language which was added to 1969 ex.s. c 222 § 1, amending RCW 28.10.280, but was not included in 1969 ex.s. c 222 § 2, amending RCW 28B.10.280, the like 1969 school code section.

Sec. 28. 1969 c 24 § 1 was codified as RCW 28.81-.190 in the 1969 supplement but through inadvertence was not codified in chapter 28B.40, the similar chapter for state colleges in the new school code; we are thus expressly adding it to chapter 28B.40 herein.

Sec. 29. RCW 28B.75.010 through 28B.75.070 is repealed because 1969 ex.s. c 263 § 13 in repealing RCW 28.90.010 through 28.90.070 did not repeal 28B.75.010 through 28B.75.070, like sections in the 1969 school code.

Note: All the 1969 amendments integrated into sections reenacted above have appeared to the Code Reviser's office to affect different aspects of the RCW section amended and thus not contrary in policy, thereby allowing the drafter of this bill to give effect to each 1969 amendment by reenacting each section with said amendments

included in it, together with required technical changes, if any.

Passed the House January 27, 1970
Passed the Senate February 4, 1970
Approved by the Governor February 12, 1970
Filed in Office of Secretary of State February 12, 1970

CHAPTER 16
[House Bill No. 42]
EDUCATION--CODE CORRECTIONS

AN ACT Relating to education; repealing section 2, chapter 97, page 262, Laws of 1909 as amended by section 1, chapter 71, Laws of 1969 and RCW 28.05.010; repealing section 2, chapter 71, Laws of 1969 and RCW 28.05.015; repealing sections 1, 4 and 5, chapter 56, Laws of 1967 ex. sess. as amended by sections 1,2 and 3,chapter 77,Laws of 1969 and RCW 28.47.784,28.47.787 and 28.47.788;repealing section 1,chapter 54,Laws of 1965 as amended by section 1, chapter 97, Laws of 1969 and RCW 28.02-.120; repealing section 31, chapter 157, Laws of 1955 as last amended by section 2, chapter 105, Laws of 1969 and RCW 28.10-.080; repealing section 5, chapter 169, Laws of 1947 as last amended by section 1, chapter 125, Laws of 1969 and RCW 28.58-.360; repealing section 10, chapter 266, Laws of 1947 as last amended by section 4, chapter 131, Laws of 1969 and RCW 28.57-.338; repealing sections 5 and 6, chapter 131, Laws of 1969 and RCW 28.57.425 and 28.57.426; repealing section 13, chapter 268, Laws of 1959 as amended by section 7, chapter 131, Laws of 1969 and RCW 28.57.430; repealing section 2, chapter 154, Laws of 1965 ex. sess. as last amended by section 1, chapter 138, Laws of 1969 and RCW 28.41.130; repealing section 1, page 324, Laws of 1909 as last amended by section 1, chapter 142, Laws of 1969 and RCW 28.51.010; repealing section 1, chapter 92, Laws of 1951 as amended by section 1, chapter 2, Laws of 1969 ex. sess. and RCW 28.13.010; repealing section 6, chapter 154, Laws of 1965 ex. sess. as amended by section 1, chapter 3, Laws of 1969 ex. sess. and RCW 28.41-

.170; repealing section 15, chapter 268, Laws of 1961 as amended by section 1, chapter 26, Laws of 1959 ex. sess. and RCW 28.58.310; repealing sections 2, 3, 5 and 6, chapter 241, Laws of 1961 as amended by sections 2, 3, 4 and 5, chapter 34, Laws of 1969 ex. sess. and RCW 28.58.450, 28.58.460, 28.58.480 and 28.58.490; repealing section 1, page 362, Laws of 1909 as last amended by section 6, chapter 34, Laws of 1969 ex. sess. and RCW 28.88.010; repealing sections 7 through 11, chapter 34, Laws of 1969 ex. sess. and RCW 28.58.151 *[28.58.515], 28.19.601, 28.19.602, 28.58.445 and 28.67.065; repealing section 1, chapter 224, Laws of 1961 as amended by section 1, chapter 49, Laws of 1969 ex. sess. and RCW 28.58.135; repealing sections 6 and 7, chapter 143, Laws of 1965 as amended by sections 1 and 2, chapter 52, Laws of 1969 ex. sess. and RCW 28.72.060 and 28.72.070; repealing section 1, chapter 203, Laws of 1941 as last amended by section 1, chapter 57, Laws of 1969 ex. sess. and RCW 28.05.050; repealing section 1, page 364, Laws of 1909 as amended by section 1, chapter 109, Laws of 1969 ex. sess. and RCW 28.27.010; repealing sections 2 and 3, chapter 124, Laws of 1965 ex. sess. as amended by sections 1 and 2, chapter 119, Laws of 1969 ex. sess. and RCW 28.65.010 and 28.65.020; repealing section 3, chapter 119, Laws of 1969 ex. sess. and RCW 28.65.095; repealing sections 5, 7, 9, 10, 11, 12 and 14, chapter 124, Laws of 1965 ex. sess. as amended by sections 4, 5, 6, 7, 8, 9 and 10, chapter 119, Laws of 1969 ex. sess. and RCW 28.65.040, 28.65.060, 28.65.080, 28.65.090, 28.65.100, 28.65.110 and 28.65.120; repealing sections 11, 12 and 13, chapter 119, Laws of 1969 ex. sess. and RCW 28.65.180, 28.65.141 and 28.65.142; repealing sections 16 and 18, chapter 124, Laws of 1965 ex. sess. as amended by sections 14 and 17, chapter 119, Laws of 1969 ex. sess. and RCW 28.65.150 and 28.65.170; repealing sections 15 and 16, chapter 119,

Laws of 1969 ex. sess. and RCW 28.65.153 and 28.65.155; repealing section 4, chapter 76, Laws of 1957 as last amended by section 22, chapter 150, Laws of 1969 ex. sess. and RCW 28.81.170; repealing section 2, chapter 153, Laws of 1969 ex. sess. and RCW 28.04.125; repealing section 2, page 230, chapter 97, Laws of 1909 as amended by section 31, chapter 176, Laws of 1969 ex. sess. and RCW 28.02.020; repealing section 3, chapter 20, Laws of 1955 as amended by section 15, chapter 283, Laws of 1969 ex. sess. and RCW 28.02.070; repealing section 3, page 231, chapter 97, Laws of 1909 as last amended by section 33, chapter 176, Laws of 1969 ex. sess. and RCW 28.03.030; repealing section 2, chapter 49, Laws of 1965 ex. sess. as last amended by section 34, chapter 176, Laws of 1969 ex. sess. and RCW 28.03.050; repealing sections 7 and 10, chapter 154, Laws of 1965 ex. sess. as amended by sections 35 and 36, chapter 176, Laws of 1969 ex. sess. and RCW 28.24.080 and 28.24.110; repealing sections 4 and 9, pages 365 and 367, chapter 97, Laws of 1909 as amended by sections 37 and 38, chapter 176, Laws of 1969 ex. sess. and RCW 28.27.040 and 28.27.080; repealing section 9, chapter 141, Laws of 1945 as last amended by section 41, chapter 176, Laws of 1969 ex.sess. and RCW 28.48.030; repealing sections 5 and 6, pages 312 and 313, chapter 97, Laws of 1909 as last amended by sections 42 and 43, chapter 176, Laws of 1969 ex. sess. and RCW 28.48.050 and 28.48.055; repealing section 1, chapter 139, Laws of 1925 ex. sess. as amended by section 44, chapter 176, Laws of 1969 ex. sess. and RCW 28.48.060; repealing section 13, page 314, chapter 97, Laws of 1909 as amended by section 45, chapter 176, Laws of 1969 ex. sess. and RCW 28.48.090; repealing section 1, page 309, chapter 97, Laws of 1909 as last amended by section 46, chapter 176, Laws of 1969 ex. sess. and RCW 28.48.100; repealing sections 11 and 12, chapter 266, Laws of 1947 as amended by sections 47 and 48, chapter 176, Laws of

1969 ex. sess. and RCW 28.57.030 and 28.57.040; repealing section 13, chapter 266, Laws of 1947 as last amended by section 49, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.050; repealing sections 19 and 21, chapter 266, Laws of 1947 as last amended by sections 50 and 51, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.070 and 28.57.090; repealing sections 3 and 9, chapter 266, Laws of 1947 as amended by sections 52 and 53, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.130 and 28.57.140; repealing section 5, chapter 266, Laws of 1947 as last amended by section 54, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.150; repealing section 15, chapter 266, Laws of 1947 as amended by section 55, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.170; repealing section 16, chapter 266, Laws of 1947 as last amended by section 56, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.180; repealing sections 17, 18 and 26, chapter 266, Laws of 1947 as amended by sections 57, 58 and 59, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.190, 28.57.200 and 28.57.240; repealing section 5, chapter 268, Laws of 1959 as amended by section 60, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.245; repealing section 23, chapter 130, Laws of 1961 as amended by section 61, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.255; repealing sections 28, 31 and 32, chapter 266, Laws of 1947 as amended by sections 62, 63 and 64, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.260, 28.57.290 and 28.57.300; repealing sections 24 and 34, chapter 266, Laws of 1947 as last amended by sections 65 and 66, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.350 and 28.57.370; repealing section 38, chapter 266, Laws of 1947 as amended by section 67, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.390; amending section 1, chapter 30, Laws of 1963 as amended by section 68, chapter 176, Laws of 1969 ex. sess. and RCW 28.58.530; repeal-

ing section 43, chapter 118, Laws of 1897 as last amended by section 70, chapter 176, Laws of 1969 ex. sess. and RCW 28.70-.040; repealing section 2, page 338, chapter 97, Laws of 1909 as last amended by section 71, chapter 176, Laws of 1969 ex. sess. and RCW 28.70.060; repealing sections 3 and 5, pages 336 and 337, chapter 97, Laws of 1909 as last amended by sections 72 and 73, chapter 176, Laws of 1969 ex. sess. and RCW 28.70-.110 and 28.70.140; repealing section 21, chapter 139, Laws of 1965 as amended by section 74, chapter 176, Laws of 1969 ex. sess. and RCW 28.71.100; repealing section 5, chapter 128, Laws of 1917 as last amended by section 75, chapter 176, Laws of 1969 ex. sess. and RCW 28.81.100; repealing section 2, page 357, chapter 97, Laws of 1909 as amended by section 77, chapter 176, Laws of 1969 ex. sess. and RCW 28.87.050; repealing section 1, chapter 126, Laws of 1917 as amended by section 80, chapter 176, Laws of 1969 ex. sess. and RCW 28.87-.090; repealing sections 4, 5 and 15, pages 358 and 361, chapter 97, Laws of 1909 as amended by sections 81, 82 and 83, chapter 176, Laws of 1969 ex. sess. and RCW 28.87.100, 28.87-.110 and 28.87.170; repealing section 2, page 363, chapter 97, Laws of 1909 as last amended by section 84, chapter 176, Laws of 1969 ex. sess. and RCW 28.88.020; repealing section 3, page 298 and section 3, page 301, chapter 97, Laws of 1909 as amended by sections 85 and 86, chapter 176, Laws of 1969 ex. sess. and RCW 28.63.020 and 28.63.022; repealing section 3, chapter 169, Laws of 1947 as amended by section 2, chapter 184, Laws of 1969 ex. sess. and RCW 28.58.340; repealing section 1, chapter 196, Laws of 1969 ex. sess. and RCW 28.81.055; repealing section 11, page 368, Laws of 1909 as amended by section 43, chapter 199, Laws of 1969 ex. sess. and RCW 28.27-.104; repealing section 5, chapter 77, Laws of 1903 as amended by section 44, chapter 199, Laws of 1969 ex. sess. and RCW

28.27.190; repealing section 2, chapter 106, Laws of 1909 as amended by section 45, chapter 199, Laws of 1969 ex. sess. and RCW 28.58.281; repealing section 11, page 360, section 12, page 361, section 7, page 359 and section 9, page 360, Laws of 1909 as amended by sections 46 through 52, chapter 199, Laws of 1969 ex. sess. and RCW 28.87.010, 28.87.060, 28.87-.130 and 28.87.140; repealing section 13, chapter 244, Laws of 1969 ex. sess. and RCW 28.41.140; repealing section 2, chapter 217, Laws of 1969 ex. sess. and RCW 28.41.145; repealing section 1, chapter 191, Laws of 1959 as amended by section 1, chapter 222, Laws of 1969 ex. sess. and RCW 28.76.420; repealing sections 4, 7 and 8, chapter 229, Laws of 1961 as amended by sections 6, 7 and 8, chapter 232, Laws of 1969 ex. sess. and RCW 28.76.192, 28.76.194 and 28.76.200; repealing section 3, chapter 284, Laws of 1947 as amended by section 9, chapter 232, Laws of 1969 ex. sess. and RCW 28.77.370; repealing section 4, chapter 254, Laws of 1957 as last amended by section 10, chapter 232, Laws of 1969 ex. sess. and RCW 28.77.530; repealing section 8, chapter 193, Laws of 1959 as amended by section 11, chapter 232, Laws of 1969 ex. sess. and RCW 28.77-.547; repealing sections 4 and 7, chapter 12, Laws of 1961 ex. sess. as amended by sections 12 and 13, chapter 232, Laws of 1969 ex. sess. and RCW 28.80.530 and 28.80.560; repealing section 39, chapter 8, Laws of 1967 ex. sess. as amended by section 36, chapter 232, Laws of 1969 ex. sess. and RCW 28.85-.390; repealing section 12, page 329, Laws of 1909 as last amended by section 66, chapter 232, Laws of 1969 ex. sess. and RCW 28.51.180; repealing sections 5 and 6, pages 333 and 334, Laws of 1909 as amended by sections 67 and 68, chapter 232, Laws of 1969 ex. sess. and RCW 28.52.050 and 28.52.055; repealing section 4, chapter 14, Laws of 1961 ex. sess. as amended by section 69, chapter 232, Laws of 1969 ex. sess. and RCW 28.81.530; repealing section 8, chapter 14, Laws of 1961

ex. sess. as amended by section 70, chapter 232, Laws of 1969 ex. sess. and RCW 28.81.570; repealing section 1, chapter 187, Laws of 1959 as last amended by section 2, chapter 237, Laws of 1969 ex. sess. and RCW 28.76.410; repealing sections 32 and 37, chapter 81, Laws of 1967 ex. sess. as amended by sections 1 and 4, chapter 238, Laws of 1969 ex. sess. and RCW 28.85-.320 and 28.85.370; repealing sections 2, 3, 5, 6, 9, 10, 24, 25 and 31, chapter 8, Laws of 1967 ex. sess. as amended by sections 2, 3, 4, 5, 6, 7, 9, 10 and 11, chapter 261, Laws of 1969 ex. sess. and RCW 28.85.020, 28.85.030, 28.85.050, 28.85-.060, 28.85.090, 28.85.100, 28.85.240, 28.85.250 and 28.85-.310; repealing section 15, chapter 261, Laws of 1969 ex. sess. and RCW 28.85.535; repealing section 5, chapter 139, Laws of 1921 as last amended by section 3, chapter 269, Laws of 1969 ex. sess. and RCW 28.77.070; repealing section 4, chapter 164, Laws of 1921 as amended by section 4, chapter 269, Laws of 1969 ex. sess. and RCW 28.80.060; repealing section 5, chapter 269, Laws of 1969 ex. sess. and RCW 28.81.084; repealing section 6, page 308, Laws of 1909 as amended by section 14, chapter 283, Laws of 1969 ex. sess. and RCW 28.02.060; repealing section 3, chapter 258, Laws of 1947 as last amended by section 16, chapter 283, Laws of 1969 ex. sess. and RCW 28.04.060; repealing section 3, chapter 49, Laws of 1965 ex. sess. as amended by section 18, chapter 283, Laws of 1969 ex. sess. and RCW 28.67.076; repealing sections 17 and 58, chapter 8, Laws of 1967 ex. sess. as amended by sections 20 and 21, chapter 283, Laws of 1969 ex. sess. and RCW 28.85.170 and 28.85.580; repealing RCW 28.47.792 through 28.47.799, 28.10.100 through 28.10.110, 28.75.010 through 28.75.220 and 28.75.900 through 28.75.930, 28.75.230, 28.77.235, 28.80.246, 28.85.221, 28.19-.500 through 28.19.595 and 28.19.600 through 28.19.610; 23.76-.421; 28.76.540; 28.47.800 through 28.47.811; 28.85.875; 28-.90.100 through 28.90.180; 28.77.215; 28.76.560, 28.89.010

through 28.89.120, 28.89.900 and 28.89.910; 28.67.066, 28.67-.074, 28.76.570, 28.93.010 through 28.93.030, 28.85.551, 28-.58.610, 28.02.061, 28.85.850 through 28.85.869; 28.85.572 through 28.85.575, 28.85.145, 28.85.245, 28.85.246, 28.96.010 through 28.96.100 and 28.96.300; and making an effective date.

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

NEW SECTION. Section 1. The following acts or parts of acts are hereby repealed:

- (1) section 2, chapter 97, page 262, Laws of 1909 as amended by section 1, chapter 71, Laws of 1969 and RCW 28.05.010;
- (2) section 2, chapter 71, Laws of 1969 and RCW 28.05.015;
- (3) sections 1, 4 and 5, chapter 56, Laws of 1967 ex. sess. as amended by sections 1, 2 and 3, chapter 77, Laws of 1969 and RCW 28.47.784, 28.47.787 and 28.47.788 *[28.47.788];
- (4) section 1, chapter 54, Laws of 1965 as amended by section 1, chapter 97, Laws of 1969 and RCW 28.02.120;
- (5) section 31, chapter 157, Laws of 1955 as last amended by section 2, chapter 105, Laws of 1969 and RCW 28.10.080;
- (6) section 5, chapter 169, Laws of 1947 as last amended by section 1, chapter 125, Laws of 1969 and RCW 28.58.360;
- (7) section 10, chapter 256, Laws of 1947 as last amended by section 4, chapter 131, Laws of 1969 and RCW 28.57.338;
- (8) sections 5 and 6, chapter 131, Laws of 1969 and RCW 28-.57.425 and 28.57.426;
- (9) section 13, chapter 268, Laws of 1959 as amended by section 7, chapter 131, Laws of 1969 and RCW 28.57.430;
- (10) section 2, chapter 154, Laws of 1965 ex. sess. as last amended by section 1, chapter 138, Laws of 1969 and RCW 28.41.130;
- (11) section 1, page 324, Laws of 1909 as last amended by section 1, chapter 142, Laws of 1969 and RCW 28.51.010;
- (12) section 1, chapter 92, Laws of 1951 as amended by section 1, chapter 2, Laws of 1969 ex. sess. and RCW 28.13.010;
- (13) section 6, chapter 154, Laws of 1965 ex. sess. as amend-

ed by section 1, chapter 3, Laws of 1969 ex. sess. and RCW 28.41.170;

(14) section 15, chapter 268, Laws of 1961 as amended by section 1, chapter 26, Laws of 1969 ex. sess. and RCW 28.58.310;

(15) sections 2, 3, 5 and 6, chapter 241, Laws of 1961 as amended by sections 2, 3, 4 and 5, chapter 34, Laws of 1969 ex. sess. and RCW 28.58.450, 28.58.260 *[28.58.460], 28.58.480 and 28.58.490;

(16) section 1, page 362, Laws of 1909 as last amended by section 6, chapter 34, Laws of 1969 ex. sess. and RCW 28.88.010;

(17) sections 7 through 11, chapter 34, Laws of 1969 ex. sess. and RCW 28.58.151*[28.58.515], 28.19.601, 28.19.602, 28.58.445 and 28.67.065;

(18) section 1, chapter 224, Laws of 1961 as amended by section 1, chapter 49, Laws of 1969 ex. sess. and RCW 28.58.135;

(19) sections 6 and 7, chapter 143, Laws of 1965 as amended by sections 1 and 2, chapter 52, Laws of 1969 ex. sess. and RCW 28.72.060 and 28.72.070;

(20) section 1, chapter 203, Laws of 1941 as last amended by section 1, chapter 57, Laws of 1969 ex. sess. and RCW 28.05.050;

(21) section 1, page 364, Laws of 1909 as amended by section 1, chapter 109, Laws of 1969 ex. sess. and RCW 28.27.010;

(22) sections 2 and 3, chapter 124, Laws of 1965 ex. sess. as amended by sections 1 and 2, chapter 119, Laws of 1969 ex. sess. and RCW 28.65.010 and 28.65.020;

(23) section 3, chapter 119, Laws of 1969 ex. sess. and RCW 28.65.095;

(24) sections 5, 7, 9, 10, 11, 12 and 14, chapter 124, Laws of 1965 ex. sess. as amended by sections 4, 5, 6, 7, 8, 9 and 10, chapter 119, Laws of 1969 ex. sess. and RCW 28.65.040, 28.65.060, 28.65.080, 28.65.090, 28.65.100, 28.65.110 and 28.65.120;

(25) sections 11, 12 and 13, chapter 119, Laws of 1969 ex. sess. and RCW 28.65.180, 28.65.141 and 28.65.142;

(26) sections 16 and 18, chapter 124, Laws of 1965 ex. sess. as amended by sections 14 and 17, chapter 119, Laws of 1969 ex. sess. and RCW 28.65.150 and 28.65.170;

(27) sections 15 and 16, chapter 119, Laws of 1969 ex. sess. and RCW 28.65.153 and 28.65.155;

(28) section 4, chapter 76, Laws of 1957 as last amended by section 22, chapter 150, Laws of 1969 ex. sess. and RCW 28.81.170;

(29) section 2, chapter 153, Laws of 1969 ex. sess. and RCW 28.04.125;

(30) section 2, page 230, chapter 97, Laws of 1909 as amended by section 31, chapter 176, Laws of 1969 ex. sess. and RCW 28.02-.020;

(31) section 3, chapter 20, Laws of 1955 as amended by section 15, chapter 283, Laws of 1969 ex. sess. and RCW 28.02.070;

(32) section 3, page 231, chapter 97, Laws of 1909 as last amended by section 33, chapter 176, Laws of 1969 ex. sess. and RCW 28.03.030;

(33) section 2, chapter 49, Laws of 1965 ex. sess. as last amended by section 34, chapter 176, Laws of 1969 ex. sess. and RCW 28.03.050;

(34) sections 7 and 10, chapter 154, Laws of 1965 ex. sess. as amended by sections 35 and 36, chapter 176, Laws of 1969 ex. sess. and RCW 28.24.080 and 28.24.110;

(35) sections 4 and 9, pages 365 and 367, chapter 97, Laws of 1909 as amended by sections 37 and 38, chapter 176, Laws of 1969 ex. sess. and RCW 28.27.040 and 28.27.080;

(36) section 9, chapter 141, Laws of 1945 as last amended by section 41, chapter 176, Laws of 1969 ex. sess. and RCW 28.48.030;

(37) sections 5 and 6, page 312 and 313, chapter 97, Laws of 1909 as last amended by sections 42 and 43, chapter 176, Laws of 1969 ex. sess. and RCW 28.48.050 and 28.48.055;

(38) section 1, chapter 139, Laws of 1925 ex. sess. as amended by section 44, chapter 176, Laws of 1969 ex. sess. and RCW 28-.48.060;

(39) section 13, page 314, chapter 97, Laws of 1909 as amended by section 45, chapter 176, Laws of 1969 ex. sess. and RCW 28-

.48.090;

(40) section 1, page 309, chapter 97, Laws of 1909 as last amended by section 46, chapter 176, Laws of 1969 ex. sess. and RCW 28.48.100;

(41) sections 11 and 12, chapter 266, Laws of 1947 as amended by sections 47 and 48, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.030 and 28.57.040;

(42) section 13, chapter 266, Laws of 1947 as last amended by section 49, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.050;

(43) sections 19 and 21, chapter 266, Laws of 1947 as last amended by sections 50 and 51, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.070 and 28.57.090;

(44) sections 3 and 9, chapter 266, Laws of 1947 as amended by sections 52 and 53, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.130 and 28.57.140;

(45) section 5, chapter 266, Laws of 1947 as last amended by section 54, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.150;

(46) section 15, chapter 266, Laws of 1947 as amended by section 55, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.170;

(47) section 16, chapter 266, Laws of 1947 as last amended by section 56, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.180;

(48) sections 17, 18 and 26, chapter 266, Laws of 1947 as amended by sections 57, 58 and 59, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.190, 28.57.200 and 28.57.240;

(49) section 5, chapter 268, Laws of 1959 as amended by section 60, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.245;

(50) section 23, chapter 130, Laws of 1961 as amended by section 61, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.255;

(51) sections 28, 31 and 32, chapter 266, Laws of 1947 as amended by sections 62, 63 and 64, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.260, 28.57.290 and 28.57.300;

(52) sections 24 and 34, chapter 266, Laws of 1947 as last

amended by sections 65 and 66, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.350 and 28.57.370;

(53) section 38, chapter 266, Laws of 1947 as amended by section 67, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.390;

(54) section 1, chapter 30, Laws of 1963 as amended by section 68, chapter 176, Laws of 1969 ex. sess. and RCW 28.58.530;

(55) section 43, chapter 118, Laws of 1897 as last amended by section 70, chapter 176, Laws of 1969 ex. sess. and RCW 28.70.040;

(56) section 2, page 338, chapter 97, Laws of 1909 as last amended by section 71, chapter 176, Laws of 1969 ex. sess. and RCW 28.70.060;

(57) sections 3 and 5, pages 336 and 337, chapter 97, Laws of 1909 as last amended by sections 72 and 73, chapter 176, Laws of 1969 ex. sess. and RCW 28.70.110 and 28.70.140;

(58) section 21, chapter 139, Laws of 1965 as amended by section 74, chapter 176, Laws of 1969 ex. sess. and RCW 28.71.100;

(59) section 5, chapter 128, Laws of 1917 as last amended by section 75, chapter 176, Laws of 1969 ex. sess. and RCW 28.81.100;

(60) section 2, page 357, chapter 97, Laws of 1909 as amended by section 77, chapter 176, Laws of 1969 ex. sess. and RCW 28.87.050;

(61) section 1, chapter 126, Laws of 1917 as amended by section 80, chapter 176, Laws of 1969 ex. sess. and RCW 28.87.090;

(62) sections 4, 5 and 15, pages 358 and 361, chapter 97, Laws of 1909 as amended by sections 81, 82 and 83, chapter 176, Laws of 1969 ex. sess. and RCW 28.87.100, 28.87.110 and 28.87.170;

(63) section 2, page 363, chapter 97, Laws of 1909 as last amended by section 84, chapter 176, Laws of 1969 ex. sess. and RCW 28.86.020;

(64) section 3, page 298 and section 3, page 301, chapter 97, Laws of 1909 as amended by sections 85 and 86, chapter 176, Laws of 1969 ex. sess. and RCW 28.63.020 and 28.63.022;

(65) section 3, chapter 169, Laws of 1947 as amended by sec-

tion 2, chapter 184, Laws of 1969 ex. sess. and RCW 28.58.340;

(66) section 1, chapter 196, Laws of 1969 ex. sess. and RCW 28.81.055;

(67) section 11, page 368, Laws of 1909 as amended by section 43, chapter 199, Laws of 1969 ex. sess. and RCW 28.27.104;

(68) section 5, chapter 77, Laws of 1903 as amended by section 44, chapter 199, Laws of 1969 ex. sess. and RCW 28.27.190;

(69) section 2, chapter 106, Laws of 1909 as amended by section 45, chapter 199, Laws of 1969 ex. sess. and RCW 28.58.281;

(70) section 11, page 360, section 12, page 361, section 7, page 359 and section 9, page 360, Laws of 1909 as amended by sections 46 through 52, chapter 199, Laws of 1969 ex. sess. and RCW 28.87.010, 28.87.060, 28.87.130 and 28.87.140;

(71) section 13, chapter 244, Laws of 1969 ex. sess. and RCW 28.41.140;

(72) section 2, chapter 217, Laws of 1969 ex. sess. and RCW 28.41.145;

(73) section 1, chapter 191, Laws of 1959 as amended by section 1, chapter 222, Laws of 1969 ex. sess. and RCW 28.76.420;

(74) sections 4, 7 and 8, chapter 229, Laws of 1961 as amended by sections 6, 7 and 8, chapter 232, Laws of 1969 ex. sess. and RCW 28.76.192, 28.76.194 and 28.76.200; repealing section 3, chapter 284, Laws of 1947 as amended by section 9, chapter 232, Laws of 1969 ex. sess. and RCW 28.77.370;

(75) section 4, chapter 254, Laws of 1957 as last amended by section 10, chapter 232, Laws of 1969 ex. sess. and RCW 28.77.530;

(76) section 8, chapter 193, Laws of 1959 as amended by section 11, chapter 232, Laws of 1969 ex. sess. and RCW 28.77.547;

(77) sections 4 and 7, chapter 12, Laws of 1961 ex. sess. as amended by sections 12 and 13, chapter 232, Laws of 1969 ex. sess. and RCW 28.80.530 and 28.80.560;

(78) section 39, chapter 8, Laws of 1967 ex. sess. as amend-

ed by section 36, chapter 232, Laws of 1969 ex. sess. and RCW 28.85-.390;

(79) section 12, page 329, Laws of 1909 as last amended by section 66, chapter 232, Laws of 1969 ex. sess. and RCW 28.51.180;

(80) sections 5 and 6, pages 333 and 334, Laws of 1909 as amended by sections 67 and 68, chapter 232, Laws of 1969 ex. sess. and RCW 28.52.050 and 28.52.055;

(81) section 4, chapter 14, Laws of 1961 ex. sess. as amended by section 69, chapter 232, Laws of 1969 ex. sess. and RCW 28.81-.530;

(82) section 8, chapter 14, Laws of 1961 ex. sess. as amended by section 70, chapter 232, Laws of 1969 ex. sess. and RCW 28.81-.570;

(83) section 1, chapter 187, Laws of 1959 as last amended by section 2, chapter 237, Laws of 1969 ex. sess. and RCW 28.76.410;

(84) sections 32 and 37, chapter 81, Laws of 1967 ex. sess. as amended by sections 1 and 4, chapter 238, Laws of 1969 ex. sess. and RCW 28.85.320 and 28.85.370;

(85) sections 2, 3, 5, 6, 9, 10, 24, 25 and 31, chapter 8, Laws of 1967 ex. sess. as amended by sections 2, 3, 4, 5, 6, 7, 9, 10 and 11, chapter 261, Laws of 1969 ex. sess. and RCW 28.85.020, 28.85.030, 28.85.050, 28.85.060, 28.85.090, 28.85.100, 28.85.240, 28.85.250 and 28.85.310;

(86) section 15, chapter 261, Laws of 1969 ex. sess. and RCW 28.85.535;

(87) section 5, chapter 139, Laws of 1921 as last amended by section 3, chapter 269, Laws of 1969 ex. sess. and RCW 28.77.070;

(88) section 4, chapter 164, Laws of 1921 as amended by section 4, chapter 269, Laws of 1969 ex. sess. and RCW 28.80.060;

(89) section 5, chapter 269, Laws of 1969 ex. sess. and RCW 28.81.084;

(90) section 6, page 308, Laws of 1909 as amended by section

14, chapter 283, Laws of 1969 ex. sess. and RCW 28.02.060;

(91) section 3, chapter 258, Laws of 1947 as last amended by section 16, chapter 283, Laws of 1969 ex. sess. and RCW 28.04.060;

(92) section 3, chapter 49, Laws of 1965 ex. sess. as amended by section 18, chapter 283, Laws of 1969 ex. sess. and RCW 28.67-.076;

(93) sections 17 and 58, chapter 8, Laws of 1967 ex. sess. as amended by sections 20 and 21, chapter 283, Laws of 1969 ex. sess. and RCW 28.85.170 and 28.85.580;

(94) RCW 28.47.792 through 28.47.799, 28.10.100 through 28.10.110, 28.75.010 through 28.75.220 and 28.75.900 through 28.75.930, 28.75.230, 28.77.235, 28.80.246, 28.85.221, 28.19.500 through 28.19-.595 and 28.19.600 through 28.19.610; 28.76.421; 28.76.540; 28.47-.800 through 28.47.811; 28.85.875; 28.90.100 through 28.90.180; 28-.77.215; 28.76.560, 28.89.010 through 28.89.120, 28.89.900 and 28.89-.910; 28.67.066, 28.67.074, 28.76.570, 28.93.010 through 28.93.030, 28.85.551, 28.58.610, 28.02.061, 28.85.850 through 28.85.869; 28.85-.572 through 28.85.575, 28.85.145, 28.85.245, 28.85.246, 28.96.010 through 28.96.100 and 28.96.300.

NEW SECTION. Sec. 2. This 1970 amendatory act shall be effective at such time as chapter 223, Laws of 1969 ex. sess. becomes effective.

EXPLANATORY NOTE

Section 1. This act completes the supersession of Title 28 RCW by virtue of the adoption of Titles 28A and 28B as the new education codes, by (1) Repealing those sections of Title 28 which were amended in the 1969 legislature, and (2) by also repealing the Title 28 codifications of education law newly adopted by the 1959 legislature which for transitional purposes were codified in the 1969 RCW supplement both in the old Title 28 and in the new education codes (Titles 28A and 28B).

Sec. 2. Declares act effective at same time new education codes take effect.

Passed the House January 27, 1970

Passed the Senate February 5, 1970

Approved by the Governor February 12, 1970

Filed in Office of Secretary of State February 12, 1970

CHAPTER 17
[Engrossed Senate Bill No. 27]
PERSONS EIGHTEEN YEARS OF AGE OR OLDER

AN ACT Relating to persons eighteen years of age or older; amending section 1, page 407, Laws of 1854 as last amended by section 2, chapter 72, Laws of 1923, and RCW 26.28.010; amending sections 1 and 5, page 404, Laws of 1854 as last amended by section 1, chapter 230, Laws of 1963, and RCW 26.04.010; amending section 11.12.010, chapter 145, Laws of 1965 and RCW 11.12.010; amending section 3, chapter 57, Laws of 1911 as last amended by section 1, chapter 92, Laws of 1967, and RCW 2.35.060; amending section 1, chapter 57, Laws of 1911 and RCW 2.36.070; amending section .18.02, chapter 79, Laws of 1947 and RCW 48-.18.020; and adding a new section to chapter 92, Laws of 1967 and to chapter 2.36 RCW.

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

Section 1. Section 1, page 407, Laws of 1854 as last amended by section 2, chapter 72, Laws of 1923, and RCW 26.28.010 are each amended to read as follows:

All persons shall be deemed and taken to be of full age for all purposes at the age of twenty-one years and upwards except as hereafter provided. All persons shall be deemed and taken to be of full age and majority for the specific purposes hereafter enumerated at the age of eighteen years and upward:

(1) To enter into any marriage contract without parental consent if otherwise qualified by law;

(2) To execute a will for the disposition of both real and personal property if otherwise qualified by law;

(3) To vote in any election if authorized by the Constitution and otherwise qualified by law;

(4) To enter into any legal contractual obligation and to be legally bound thereby to the full extent as any other adult person;

(5) To make decisions in regard to their own body and the body of their lawful issue whether natural born to or adopted by such

person to the full extent allowed to any other adult person including but not limited to consent to surgical operations;

(6) To sue and be sued on any action to the full extent as any other adult person in any of the courts of this state, without the necessity for a guardian ad litem.

Sec. 2. Sections 1 and 5, page 404, Laws of 1854 as last amended by section 1, chapter 230, Laws of 1963, and RCW 26.04.010 are each amended to read as follows:

Marriage is a civil contract which may be entered into by ~~((males-of-the-age-of-twenty-one-years,-and-females))~~ persons of the age of eighteen years, who are otherwise capable: PROVIDED, That every marriage entered into in which either party shall not have attained the age of seventeen years shall be void except where this section has been waived by a superior court judge of the county in which the female resides on a showing of necessity.

Sec. 3. Section 11.12.010, chapter 145, Laws of 1965 and RCW 11.12.010 are each amended to read as follows:

~~((The-following))~~ Any person ((s)) of sound mind who has attained the age of eighteen years may, by last will, devise all his or her estate, both real and personal ((+

~~(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.

Sec. 4. Section .18.02, chapter 79, Laws of 1947 and RCW 48-.18.020 are each amended to read as follows:

(1) Any person ~~((of-competent-legal-capacity))~~ eighteen years

or older shall be considered of full legal age and may contract for insurance. Any person seventeen years or younger shall be considered a minor for purposes of Title 48 RCW.

(2) A minor not less than fifteen years of age as at nearest birthday may, notwithstanding such minority, contract for life or disability insurance on his own life or body, for his own benefit or for the benefit of his father, mother, spouse, child, brother, sister, or grandparent, and may exercise all rights and powers with respect to or under the contract as though of full legal age, and may surrender his interest therein and give a valid discharge for any benefit accruing or money payable thereunder. The minor shall not, by reason of his minority, be entitled to rescind, avoid, or repudiate the contract, or any exercise of a right or privilege thereunder, except, that such minor, not otherwise emancipated, shall not be bound by any unperformed agreement to pay, by promissory note or otherwise any premium on any such insurance contract.

Sec. 5. Sections 13 and 14, page 83, Laws of 1866 as last amended by section 4, chapter 230, Laws of 1963 and RCW 26.04.210 are each amended to read as follows:

The county auditor, before a marriage license is issued, upon the payment of a license fee (~~(of two dollars)~~) as fixed in RCW 36-.18.010 shall require each applicant therefor to make and file in his office upon blanks to be provided by the county for that purpose, an affidavit showing that such applicant is not feeble-minded, an imbecil, insane, a common drunkard, or afflicted with pulmonary tuberculosis in its advanced stages: PROVIDED, That in addition, the affidavit of the male applicant for such marriage license shall show that such male is not afflicted with any contagious venereal disease. He shall also require an affidavit of some disinterested credible person showing that neither of said persons is an habitual criminal, and that the (~~female is over~~) applicants are the age of eighteen years or over (~~(and the male is over the age of twenty-one years)~~): PROVIDED, FURTHER, That if the consent in writing is obtained of the father,

mother, or legal guardian of the person for whom the license is required, the license may be granted in cases where the female has attained the age of seventeen years or the male has attained the age of seventeen years. Such affidavit may be subscribed and sworn to before any person authorized to administer oaths. Anyone knowingly swearing falsely to any of the statements contained in the affidavits mentioned in this section shall be deemed guilty of perjury and punished as provided by the laws of the state of Washington.

Passed the Senate January 29, 1970
Passed the House February 5, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 18
[Engrossed Senate Bill No. 52]
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

AN ACT Relating to state government; creating a department of social and health services; prescribing its composition, powers, duties and functions; transferring certain powers, duties and functions thereto from the department of health, the department of public assistance, the department of institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council for occupational education; abolishing the departments of health, institutions, and public assistance; abolishing the division of vocational rehabilitation of the coordinating council for occupational education; amending section 2, chapter 176, Laws of 1933 as last amended by section 41, chapter 8, Laws of 1967 ex. sess. and RCW 28.10.010; amending section 31, chapter 157, Laws of 1955 as last amended by section 2, chapter 105, Laws of 1969 and RCW 28.10.080; amending section 16, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.160; amending section 22, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.220; amending section 28A.10.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.10.010; amending section 28A.10.080, chapter 223,

Laws of 1969 ex. sess. as amended by section 23, chapter ..., Laws of 1970 ex. sess. (HB) and RCW 28A.10.080; amending section 28B.50.160, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.160; amending section 28B.50.220, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.220; amending section 1. chapter 32, Laws of 1969 and RCW 43.17.010; amending section 2, chapter 32, Laws of 1969 and RCW 43.17.020; amending section 43.20.030, chapter 8, Laws of 1965 and RCW 43.20.030; amending section 5, chapter 242, Laws of 1967 and RCW 43.27A-.050; amending section 43.61.010, chapter 8, Laws of 1965 and RCW 43.61.010; amending section 43.61.020, chapter 8, Laws of 1965 and RCW 43.61.020; amending section 43.61.030, chapter 8, Laws of 1965 and RCW 43.61.030; amending section 43.61-.040, chapter 8, Laws of 1965 and RCW 43.61.040; amending section 43.61.050, chapter 8, Laws of 1965 and RCW 43.61.050; amending section 43.61.070, chapter 8, Laws of 1965 and RCW 43.61.070; amending section 72.01.010, chapter 28, Laws of 1959 and RCW 72.01.010; amending section 72.02.040, chapter 28, Laws of 1959 and RCW 72.02.040; amending sections 1 and 2, chapter 169, Laws of 1953 and RCW 72.01.042 and 72.01.043; amending section 72.05.020, chapter 28, Laws of 1959 and RCW 72.05.020; amending section 72.06.010, chapter 28, Laws of 1959 and RCW 72.06.010; amending section 5, chapter 207, Laws of 1961 as amended by section 3, chapter 88, Laws of 1965 and RCW 70.98.050; amending section 6, chapter 207, Laws of 1961 and RCW 70.98.060; amending section 7, chapter 207, Laws of 1961 as last amended by section 1, chapter 44, Laws of 1969 and RCW 70.98.070; amending section 6, chapter 172, Laws of 1967 and RCW 74.15.060; amending section 18, chapter 172, Laws of 1967 as amended by section 3, chapter 172, Laws of 1969 ex. sess. and RCW 74.32.051; amending section 19, chapter 172, Laws of 1967 and RCW 74.32.053; amending section

2, chapter 39, Laws of 1965 and RCW 74.36.010; amending section 3, chapter 39, Laws of 1965 and RCW 74.36.020; amending section 4, chapter 39, Laws of 1965 and RCW 74.36.030; amending section 5, chapter 39, Laws of 1965 and RCW 74.36.040; amending section 1, chapter 33, Laws of 1967 ex. sess. and RCW 74.36.100; adding a new section to chapter 1, Laws of 1961, and to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; repealing section 19, chapter 8, Laws of 1967 ex. sess. and RCW 28.85-.190; repealing section 28B.50.190, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.190; repealing section 21, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.210; repealing section 28B.50.210, chapter 223, Laws of 1969 ex. sess. and RCW 28B-.50.210; repealing section 26, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.260; repealing section 28B.50.260, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.260; repealing section 43.20.020, chapter 8, Laws of 1965 and RCW 43.20.020; repealing section 72.01.020, chapter 28, Laws of 1959 and RCW 72.01.020; repealing section 72.01.030, chapter 28, Laws of 1959 as amended by section 1, chapter 134, Laws of 1967 and RCW 72.01.030; repealing section 72.01.040, chapter 28, Laws of 1959 and RCW 72.01.040; repealing section 1, chapter 293, Laws of 1959 and RCW 72.01.061; repealing section 2, chapter 293, Laws of 1959 and RCW 72.01.062; repealing section 4, chapter 293, Laws of 1959 and RCW 72.01.064; repealing section 5, chapter 293, Laws of 1959 and RCW 72.01.065; repealing section 6, chapter 293, Laws of 1959 and RCW 72.01.066; repealing section 7, chapter 293, Laws of 1959 and RCW 72.01.067; repealing section 72.01.070, chapter 28, Laws of 1959 and RCW 72.01.070; repealing section 72.01.080, chapter 28, Laws of 1959 and RCW 72.01.080; repealing section 72.01.330, chapter 28, Laws of 1959 and RCW 72.01.330; repealing section 72.01.340, chapter 28, Laws of 1959 and RCW 72.01.340; repealing section 72.01.350, chapter 28, Laws of 1959 and RCW 72.01.350; repeal-

ing section 72.01.360, chapter 28, Laws of 1959 and RCW 72.01-.360; repealing section 72.02.010, chapter 28, Laws of 1959 and RCW 72.02.010; repealing section 72.02.020, chapter 28, Laws of 1959 and RCW 72.02.020; repealing section 72.02-.030, chapter 28, Laws of 1959 and RCW 72.02.030; repealing section 3, chapter 134, Laws of 1967 and RCW 72-.04A.010; repealing section 4, chapter 134, Laws of 1967 and RCW 72.04A.020; repealing section 5, chapter 134, Laws of 1967 and RCW 72.04A.030; repealing section 6, chapter 134, Laws of 1967 and RCW 72.04A.040; repealing section 72-.05.030, chapter 28, Laws of 1959 and RCW 72.05.030; repealing section 72.05.040, chapter 28, Laws of 1959 and RCW 72-.05.040; repealing section 72.06.020, chapter 28, Laws of 1959 and RCW 72.06.020; repealing section 72.06.030, chapter 28, Laws of 1959 and RCW 72.06.030; repealing section 72.06-.040, chapter 28, Laws of 1959 and RCW 72.06.040; repealing sections 72.50.010 through 72.50.110, chapter 28, Laws of 1959 and RCW 72.50.010 through 72.50.110; repealing section 6, chapter 39, Laws of 1965 and RCW 74.36.050; providing for the expiration of certain sections and for certain effective dates.

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

NEW SECTION. Section 1. The purpose of this 1970 amendatory act is to create a single department which will unify the related social and health services of state government. The department is designed to integrate and coordinate all those activities involving provision of care for individuals who, as a result of their economic, social or health condition, require financial assistance, institutional care, rehabilitation or other social and health services. In order to provide for maximum efficiency of operation consistent with meeting the needs of those served or affected, the department will encompass substantially all of the powers, duties and functions presently vested by law in the department of health, the department

of public assistance, the department of institutions, the veterans' rehabilitation council and the division of vocational rehabilitation of the coordinating council on occupational education. The department will concern itself with changing social needs, and will expedite the development and implementation of programs designed to achieve its goals. In furtherance of this policy, it is the legislative intent to set forth in this 1970 amendatory act only the broad outline of the structure of the department, leaving specific details of its internal organization and management to those charged by this 1970 amendatory act with its administration.

NEW SECTION. Sec. 2. As used in this 1970 amendatory act, unless the context indicates otherwise:

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

(2) "Secretary" means the secretary of the department of social and health services.

(3) "Deputy secretary" means the deputy secretary of the department of social and health services.

NEW SECTION. Sec. 3. There is hereby created a department of state government to be known as the department of social and health services. All powers, duties and functions now or through action of this 1970 legislature vested by law in the department of health, the department of public assistance, the department of institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education are transferred to the department, except those powers, duties and functions which are expressly directed elsewhere in this or in any concurrent act of this 1970 legislature. Powers, duties and functions to be transferred shall include, but not be limited to, all those powers, duties and functions involving cooperation with other governmental units, such as cities and counties, or with the federal government, in particular those concerned with

participation in federal grants-in-aid programs.

NEW SECTION. Sec. 4. The executive head and appointing authority of the department shall be the secretary of social and health services. He shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. He shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in his position while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office.

NEW SECTION. Sec. 5. It is the intent of the legislature wherever possible to place the internal affairs of the department under the control of the secretary in order that he may institute therein the flexible, alert and intelligent management of its business that changing contemporary circumstances require. Therefore, whenever his authority is not specifically limited by law, he shall have complete charge and supervisory powers over the department. In the performance of duties and functions previously performed through the divisions of the departments affected by this 1970 amendatory act, he is authorized to create such administrative structures as he may deem appropriate, except as otherwise specified in this or any concurrent act of this 1970 legislature. The secretary shall have the power to employ such assistants and personnel as may be necessary for the general administration of the department: PROVIDED, That, except as elsewhere specified in this 1970 amendatory act, such employment is in accordance with the rules of the state civil service law, chapter 41.06 RCW.

NEW SECTION. Sec. 6. The department of social and health services shall be subdivided into divisions, including a division of vocational rehabilitation, with an assistant secretary thereof as provided in section 7 of this 1970 amendatory act, such secretary hereafter in sections 42 and 43 of this 1970 amendatory act referred to as "his designee". Except as otherwise specified in this 1970

amendatory act, or as federal requirements may differently require, these divisions shall be established and organized in accordance with plans to be prepared by the secretary and approved by the governor. In preparing such plans, the secretary shall endeavor to promote efficient public management, to improve programs, and to take full advantage of the economies, both fiscal and administrative, to be gained from the consolidation of the departments of health, public assistance, institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education.

NEW SECTION. Sec. 7. The secretary shall appoint a deputy secretary, a department personnel director and such assistant secretaries as shall be needed to administer the department. The deputy secretary shall have charge and general supervision of the department in the absence or disability of the secretary, and in case of a vacancy in the office of secretary, shall continue in charge of the department until a successor is appointed and qualified, or until the governor shall appoint an acting secretary. The officers appointed under this section, and exempt from the provisions of the state civil service law by the terms of section 8 of this 1970 amendatory act, shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law.

NEW SECTION. Sec. 8. There is added to chapter 1, Laws of 1961, and to chapter 41.06 RCW a new section to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of social and health services to the secretary; his deputy secretary; his personnel director; his administrative assistant, if any; not to exceed six assistant secretaries and one confidential secretary for each of the ten above-named officers: PROVIDED, That each such confidential secretary must meet the minimum qualifications for the class of secretary II as determined by the state personnel board.

NEW SECTION. Sec. 9. The secretary may delegate any power or duty vested in or transferred to him by law, or executive order, to his deputy secretary or to any other assistant or subordinate; but the secretary shall be responsible for the official acts of the officers and employees of the department.

NEW SECTION. Sec. 10. The powers, duties and functions now or through action of this 1970 legislature assigned to the director of health as head of the department of health, as chairman and executive officer of the state board of health, and as the official in charge of registration of vital statistics are transferred to the secretary of social and health services or his designee, except those powers, duties and functions which are expressly directed elsewhere in this 1970 amendatory act, or in any concurrent act of this 1970 legislature.

Sec. 11. Section 43.20.030, chapter 8, Laws of 1965 and RCW 43.20.030 are each amended to read as follows:

~~((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.)) The state board of health shall be composed of six members. These shall be the secretary or his designee and five other persons to be appointed by the governor, including four persons experienced in matters of health and sanitation and one person representing the consumers of health care. The chairman shall be selected by the governor from among the five members appointed by him.~~

NEW SECTION. Sec. 12. Where feasible, the department and the state board of health shall consult with the water pollution control commission and the state air pollution control board, or their successors, in order that to the fullest extent possible, agencies concerned with the preservation of life and health and agen-

cies concerned with protection of the environment may integrate their efforts and endorse policies in common.

NEW SECTION. Sec. 13. The research, educational and treatment program for the rehabilitation of alcoholics established within the department of health by chapter 70.96 RCW and the responsibility for the treatment and rehabilitation of narcotic addicts placed within the department of health by chapter 69.32 RCW shall be transferred to the department of social and health services, and the legal powers and responsibilities vested in the department of health in connection with these programs shall inhere in the department of social and health services.

Sec. 14. Section 6, chapter 172, Laws of 1967 and RCW 74.15-.060 are each amended to read as follows:

The ~~((state-department-of-health))~~ secretary of social and health services shall have the power and it shall be ~~((it))~~ his duty:

~~((1))~~ In consultation with the child welfare and day care advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to ~~((assist-the-department-of-public-assistance-in-developing))~~ develop minimum requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW, RCW 74.32.040 through 74.32.055 and 74.13.031, ~~((except-foster-family-homes-and-child-placing-agencies))~~ necessary to promote the health of all persons residing therein (~~and~~

~~2)--To-assist-the-director-in-his-periodic-review-of-requirements-under-RCW-74.15.030(6)-and-to-make-recommendations-after-consultation-as-required--in--subsection-(1)-of-this-section)).~~

The ~~((state-department-of-health))~~ secretary or the city, county, or district health department designated by ~~((it))~~ him shall have the power and ~~((it-shall-be-it))~~ the duty:

(1) To make or cause to be made such inspections and investigations of agencies (~~other-than-foster-family-homes-and-child~~

~~placing agencies, as it deems~~) as may be deemed necessary; and

(2) To issue to applicants for licenses hereunder (~~(other than foster family homes and child placing agencies,)~~) who comply with the requirements adopted hereunder, a certificate of compliance, a copy of which shall be presented to the department (~~(of public assistance)~~) before a license shall be issued, except that a provisional license may be issued as provided in RCW 74.15.120.

Sec. 15. Section 5, chapter 242, Laws of 1967 and RCW 43.27A-.050 are each amended to read as follows:

In order to provide advice and guidance to the director of water resources, and to better coordinate the department with other state agencies having responsibilities affecting the state's water resources, there is created a water resources advisory council. The advisory council shall be composed of eleven members to be selected as follows:

- (1) the director of the water pollution control commission;
 - (2) (~~(the director of the department of health)~~) the secretary of the department of social and health services, or his designee;
 - (3) the director of the department of fisheries;
 - (4) the director of the department of water resources;
 - (5) the director of the department of game; and
 - (6) six other persons representing the public interest who shall be selected by the governor and serve continuously during the full length of the appointing governor's term or terms of office, and until a replacement appointment has been made. Should any vacancy occur under this subsection, a replacement appointment for the balance of the term shall be made by the governor within ninety days.
- The chairman of the council shall be the director of the department of water resources, and he shall conduct the council's meetings in accordance with such rules as the council may prescribe. Complete minutes shall be taken at each regular meeting, and copies thereof shall be made available on request to any interested person.

Sec. 16. Section 5, chapter 207, Laws of 1961 as amended by section 3, chapter 88, Laws of 1965, and RCW 70.98.050 are each amended to read as follows:

(1) The department of (~~health~~) social and health services is (~~hereby~~) designated as the state radiation control agency, hereinafter referred to as the agency, and shall be the state 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~~) secretary of social and health services shall be director of the agency, hereinafter referred to as the (~~director~~) secretary, 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))~~ (4) 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. 17. Section 6, chapter 207, Laws of 1961 and RCW 70.98-.060 are each amended to read as follows:

The (~~director-of-health~~) secretary of social and health services, with the approval of the governor, shall appoint a technical advisory board to serve in an advisory capacity to the agency, which shall furnish technical advice to the agency and shall advise with reference to matters of policy affecting administration of this chapter, and approve the rules and regulations provided for herein. The board shall be comprised of nine individuals including representatives of the healing arts, research, industrial and other recognized users of ionizing radiation or experts in the field of physiological (~~affects~~) effects of ionizing radiation: PROVIDED, That no more than two individuals shall represent any single profession or scientific discipline.

The (~~director-of-the-agency~~) secretary, or his designee, shall be ex officio chairman of the board without vote except in cases of a tie. The state radiation control officer shall be a member of the board ex officio without vote and serve as secretary to the board. The members' term of office shall be four years except that the terms of those first appointed shall expire as follows: Two at the end of one year after effective date, two at the end of two years after such date, two at the end of three years after such date, and three after the end of four years after such date as designated by the (~~director~~) secretary at the time of appointment. If a vacancy occurs, the (~~director~~) secretary shall appoint a member for the remaining portion of that term.

The board shall hold meetings at the call of the chairman or upon the request of any four members. (~~The members of the board shall serve without compensation but shall be reimbursed by the agency for the actual expenses incurred in the discharge of their of-~~

~~fiducial duties-))~~ Members shall receive a compensatory per diem of twenty-five dollars for each day or portion thereof actually spent in attending their duties as members of the board and, in addition, they shall be entitled to reimbursement for their subsistence and lodging expenses as provided in RCW 43.03.050, as now or hereafter amended, and for their travel expenses as provided in RCW 43.03.060, as now or hereafter amended. }-V

Sec. 18. Section 7, chapter 207, Laws of 1961 as last amended by section 1, chapter 44, Laws of 1969 and RCW 70.98.070 are each amended to read as follows:

(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 secretary of social and health services and the directors of the department of ((health, department-of)) labor and industries, department of agriculture, department of commerce and economic development, and the chairman of the interagency committee for outdoor recreation, or their successors, 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-))~~

Members shall receive a compensatory per diem of twenty-five dollars for each day or portion thereof actually spent in attending their duties as members of the board and, in addition, they shall receive reimbursement for subsistence and lodging expenses as provided in RCW 43.03.050, as now or hereafter amended, and for travel expenses as provided in RCW 43.03.060, as now or hereafter amended. }-V

(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.

NEW SECTION. Sec. 19. The powers, duties and functions now or through action of this 1970 legislature assigned to the director of public assistance as head of the department of public assistance

are transferred to the secretary of social and health services or his designee, except those powers, duties and functions which are expressly directed elsewhere in this 1970 amendatory act, or in any concurrent act of this 1970 legislature.

NEW SECTION. Sec. 20. The powers, duties and functions of the division of medical care, established within the department of public assistance by chapter 74.09 RCW are transferred to the department of social and health services. The secretary may administer the provisions of chapter 74.09 RCW either through this division or in any other way consistent with the purposes of this 1970 amendatory act as set forth in section 1 hereof. The office of assistant director of medical care is abolished, and his powers, duties and functions shall be assumed by the secretary or his designee.

Sec. 21. Section 18, chapter 172, Laws of 1967 as amended by section 3, chapter 172, Laws of 1969 ex. sess. and RCW 74.32.051 are each amended to read as follows:

The child welfare and day care advisory committee shall consist of fifteen members. The ~~((director))~~ secretary of social and health services shall designate a chairman. The committee shall hold original terms of office under chapter 74.15 RCW, RCW 74.32.040 through 74.32.055 and 74.13.031 as follows:

Five members shall serve for one year; five members shall serve two years; and five 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.

There shall be included among the members of the committee ~~((one-representative-from-each-of-the-following-state-agencies+~~

- ~~{1}--The-state-department-of-health+~~
- ~~{2}--The-department-of-public-instruction+~~
- ~~{3}--The-department-of-institutions+-and~~

~~{4}--The office of the state fire marshal~~

~~These members shall be the respective directors or the state fire marshal, or the directors or the state fire marshal's designee, as the case may be)~~ two representatives from the department of social and health services and one representative each from the department of public instruction and the office of the state fire marshal.

Five members shall be appointed by the (~~director~~) secretary from representatives of agencies subject to licensing under chapter 74.15 RCW, RCW 74.32.040 through 74.32.055 and 74.13.031, the members to represent a variety of types of agencies including sectarian and nonsectarian agencies and from different geographical areas of the state.

The remaining members shall be appointed by the (~~director~~) secretary 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.

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.

Sec. 22. Section 19, chapter 172, Laws of 1967 and RCW 74.32-.053 are each amended to read as follows:

There shall be established a subcommittee of the child welfare and day care advisory committee to be appointed by the committee which shall have as its primary concern all matters relating to licensing of agencies as contained in chapter 74.15 RCW, RCW 74.32.040 through 74.32.055 and 74.13.031. (~~Members of this subcommittee shall consist of one representative of each of the following state agencies~~

~~{1}--The department of health~~

~~{2}--The department of institutions~~

~~{3}--The office of the state fire marshal, and~~

~~{4}--Five members representative of sectarian and nonsectarian agencies from different geographical areas of the state, subject~~

~~te-licensing-under-chapter-74-157-RCW-74-32-040-through-74-32-055
and-74-13-031-))~~

Sec. 23. Section 2, chapter 39, Laws of 1965 and RCW 74.36-.010 are each amended to read as follows:

There is ~~((hereby))~~ created within the ~~((department-of-public-assistance))~~ department of social and health services 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.

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 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-avail-
able.--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-)~~ Members of the executive committee of the
council, and the council chairman or his designated alternate, shall
receive a compensatory per diem of twenty-five dollars for each day
or portion thereof actually spent in attending their duties as mem-
bers of the council and, in addition, they shall be entitled to reim-
bursement for their subsistence and lodging expenses as provided in
V- RCW 43.03.050, as now or hereafter amended, and for their travel ex-
penses as provided in RCW 43.03.060, as now or hereafter amended.

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.

Sec. 24. Section 3, chapter 39, Laws of 1965 and RCW 74.36-.020 are each amended to read as follows:

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))~~ secretary of the department of social and health services 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 agencies, 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, rec-

reational, economic, employment and housing conditions of the older people with the object of recommending the adoption of measures designed to alleviate prevailing problems.

Sec. 25. Section 4, chapter 39, Laws of 1965 and RCW 74.36-.030 are each amended to read as follows:

The department of social and health services 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.

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 RCW 74.36.020: PROVIDED, That the donor of such contributions or gifts may stipulate the purpose for which they shall be expended.

Sec. 26. Section 5, chapter 39, Laws of 1965 and RCW 74.36-.040 are each amended to read as follows:

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 secretary of social and health services or his designated representative, the director or his designated representative of the department of commerce and economic development, employment security, ((health-institutions,)) 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: PROVIDED, That should any of these departments be reconstituted, the executive head of the new department, or his desicnee shall serve on the committee. The interdepartmental committee shall elect a chair-

man and recording secretary. The committee shall meet with the state council for aging at its regular meetings.

Sec. 27. Section 1, chapter 33, Laws of 1967 ex. sess. and RCW 74.36.100 are each amended to read as follows:

The department (~~(of public assistance)~~) of social and health services is authorized to take advantage of and participate in the Federal Older Americans Act of 1965 (Public Law 89-73, 89th Congress, 79 Stat. 220) and to accept, administer and disburse any federal funds that may be available under said act.

NEW SECTION. Sec. 28. The powers, duties and functions now or through action of this 1970 legislature assigned to the director of institutions, as head of the department of institutions, and those powers vested in the superintendents of institutions relating to their status as appointing authorities for the purpose of establishing bargaining units by the personnel board and the conduct of negotiations with exclusive bargaining representatives, are transferred to the secretary of social and health services or his designee, except those powers, duties and functions which are expressly directed elsewhere in this 1970 amendatory act or in any concurrent act of this 1970 legislature. These powers shall include but not be limited to authority to manage and govern the institutions named in RCW 72.01.050.

NEW SECTION. Sec. 29. The powers, duties and functions of all divisions of the department of institutions are transferred to the jurisdiction of the department of social and health services including but not limited to the division of adult corrections, the division of probation and parole, the division of children and youth, and the division of mental health. The secretary or his designee shall perform all functions concerned therewith formerly assigned to the director of institutions to be performed either by the director or through his various division heads.

NEW SECTION. Sec. 30. The institutional industries commission created in chapter 72.60 RCW will aid and assist the department of social and health services and the secretary thereof in the same

manner that it formerly assisted the department of institutions and its director, and the secretary of the department of social and health services, or his designee, will perform the same duties and functions in connection with the commission as were formerly performed by the department of institutions.

Sec. 31. Section 43.61.010, chapter 8, Laws of 1965 and RCW 43.61.010 are each amended to read as follows:

There is ~~((hereby))~~ created a "veterans' rehabilitation council" which shall consist of the secretary of the department of social and health services, or his designee, who shall serve ex officio, and one member from each veterans' organization now or hereafter chartered by act of congress, and one other member, all of whom shall be 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.))

Members shall receive a compensatory per diem of twenty-five dollars for each day or portion thereof actually spent in attending their duties as members of the council and, in addition, they shall be entitled to reimbursement for their subsistence and lodging expenses as provided in RCW 43.03.050, as now or hereafter amended, and for their travel expenses as provided in RCW 43.03.060, as now or hereafter amended.

Sec. 32. Section 43.61.020, chapter 8, Laws of 1965 and RCW 43.61.020 are each amended to read as follows:

~~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))~~ It shall maintain an office at the state capital, which shall be under the jurisdiction of the department of social and health services, 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.

Sec. 33. Section 43.61.030, chapter 8, Laws of 1965 and RCW 43.61.030 are each amended to read as follows:

~~The council ((is hereby))~~ shall function under the jurisdiction of the department of social and health services, and shall serve in an advisory capacity to the secretary thereof. After considering the advice of the council, the secretary is 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. Under the supervision and with the approval of the secretary, the council may also establish a field and contact service wherever and to whatever extent such service may in its judgment be necessary. The secretary shall employ such persons as may be necessary to carry out the provisions of this 1970 amendatory act: PROVIDED, That except as otherwise specified in this 1970 amendatory act, such employment is in accordance with the state civil service law, chapter 41.06 RCW.

Sec. 34. Section 43.61.040, chapter 8, Laws of 1965 and RCW 43.61.040 are each amended to read as follows:

Under the supervision of the secretary, 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)) secretary before the fifteenth day of January of each year, a complete report of its activities for the preceding year; the secretary shall in turn submit the report to the governor.

Sec. 35. Section 43.61.050, chapter 8, Laws of 1965 and RCW 43.61.050 are each amended to read as follows:

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 ((~~governor~~)) secretary and filed on proper forms.

Sec. 36. Section 43.61.070, chapter 8, Laws of 1965 and RCW 43.61.070 are each amended to read as follows:

Payments to any veterans' organization shall first be approved by the ~~((eouneiz))~~ secretary and insofar as possible shall be made on an equitable basis for work done.

Sec. 37. Section 2, chapter 176, Laws of 1933 as last amended by section 41, chapter 8, Laws of 1967 ex. sess. and RCW 28.10-.010 are each amended to read as follows:

(1) "Handicapped person" means any individual:

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

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

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

(2) "Physical or mental disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's activities or functioning. The term includes behavioral disorders characterized by deviant social behavior or impaired ability to carry out normal relationships with family and community which may result from vocational, educational, cultural, social, environmental or other factors.

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

construction, development, operation and maintenance of workshops and rehabilitation facilities.

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

(5) "State agency" means the (~~coordinating-council-for-occupational-education~~) department of social and health services.

Sec. 38. Section 31, chapter 157, Laws of 1955 as last amended by section 2, chapter 105, Laws of 1969 and RCW 28.10.080 are each amended to read as follows:

(1) The state agency may purchase, from any source, by contract, vocational rehabilitation services for handicapped persons, payments for such services to be made subject to procedures and fiscal controls approved by the budget director. The performance of and payment for such services shall be subject to post audit review by the state auditor.

(2) Notwithstanding any other provision of RCW 28.10.080, 28.10.100, 28.10.105 and 28.10.110, when the (~~division~~) state agency determines that a mentally retarded, severely handicapped, or disadvantaged person can reasonably be expected to benefit from, or in his best interests reasonably requires extended sheltered employment or supervised work furnished by an approved nonprofit organization, the (~~division~~) state agency is authorized to contract with such organization for the furnishing of such sheltered employment or supervised work to such mentally retarded, severely handicapped, or disadvantaged person. The (~~division~~) state agency is authorized to expend for or toward the cost of providing such sheltered employment or supervised work a sum or sums not to exceed one thousand five hundred dollars per annum for each such mentally retarded, severely handicapped, or disadvantaged person in order to maintain him as a contributing and self-supporting member of society as an alternative

to dependency.

(3) The determination of eligibility for such service shall be made for each individual by the ~~((division))~~ state agency. The mentally retarded, severely handicapped and disadvantaged individuals served under this law shall be construed to be poor or infirm within the meaning of the term as used in the state Constitution.

(4) The ~~((division))~~ state agency shall maintain a register of nonprofit organizations which it has inspected and certified as meeting required standards and as qualifying to serve the needs of such mentally retarded, severely handicapped, or disadvantaged persons. Eligibility of such organizations to receive the funds hereinbefore specified shall be based upon standards and criteria promulgated by the ~~((division))~~ state agency.

(5) The ~~((division-of-vocational-rehabilitation, with the approval-of-the-coordinating-council-for-occupational-education,))~~ state agency is authorized to promulgate such rules and regulations as it may deem necessary or proper to carry out the provisions of this section.

Sec. 39. Section 16, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.160 are each amended to read as follows:

In order to facilitate the greatest possible coordination and cooperation between the agencies of the state and the federal government, and to carry out the purposes and intent of this chapter and the acts of Congress relating to distribution of federal funds for the support of vocational education ~~((and-vocational-rehabilitation))~~, there is ~~((hereby))~~ created the coordinating council for occupational education to serve as the sole agency of the state for the receipt of federal funds made available by acts of Congress for vocational education ~~((and-for-vocational-rehabilitation))~~ within this state.

Consistent with the requirements of Public Law 88-210, and other acts of Congress dealing with vocational education, and to the extent necessary to comply therewith the coordinating council shall have power to supervise the administration of the state plan for

vocational education in the community college system; and, subject to the supervisory powers of the state superintendent of public instruction, the coordinating council shall have the power to administer the state plan for vocational education in the public schools of the state.

NEW SECTION. Sec. 40. The department of social and health services shall serve as the sole agency of the state for the receipt of federal funds made available by acts of Congress for vocational rehabilitation within this state.

Sec. 41. Section 22, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.220 are each amended to read as follows:

In addition to its other powers and duties, the coordinating council shall have the following powers and duties:

(1) To prepare, adopt and certify the state plan for vocational education (~~((and the state plan for vocational rehabilitation))~~);

(2) To adopt necessary rules and regulations and do such other acts not forbidden by law necessary to carry out the provisions of this chapter and the federal acts: PROVIDED, That the coordinating council shall meet, consult and cooperate with the office of the state superintendent of public instruction on all matters falling within his constitutional supervisory powers in advance of exercising any of the powers or duties granted to the council by this section;

(3) To carry out the aims and purposes of the acts of Congress pertaining to vocational education (~~((and vocational rehabilitation))~~).

NEW SECTION. Sec. 42. In addition to his other powers and duties, the secretary or his designee, shall have the following powers and duties:

(1) To prepare, adopt and certify the state plan for vocational rehabilitation;

(2) With respect to vocational rehabilitation, to adopt necessary rules and regulations and do such other acts not forbidden by law necessary to carry out the provisions of this 1970 amendatory

act and the federal acts;

(3) To carry out the aims and purposes of the acts of Congress pertaining to vocational rehabilitation.

NEW SECTION. Sec. 43. The secretary or his designee shall consult with the coordinating council for occupational education in order to maintain close contact with developing programs of vocational education, particularly as such programs may affect programs undertaken in connection with vocational rehabilitation.

NEW SECTION. Sec. 44. All state officials required to maintain contact with or provide services to the department of health, the department of public assistance, the department of institutions, the veterans' rehabilitation council, or the division of vocational rehabilitation of the coordinating council on occupational education, shall continue to perform such services for the department of social and health services unless otherwise specified by this or any concurrent act of this 1970 legislature.

NEW SECTION. Sec. 45. All employees and personnel of the department of health, the department of institutions, the department of public assistance, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education, except those whose functions are not transferred elsewhere by this 1970 amendatory act, or by any concurrent statute enacted by this 1970 legislature shall, on the effective date of this 1970 amendatory act, be transferred to the jurisdiction of the department of social and health services. All employees classified under chapter 41.06 RCW, the state civil service law, shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state civil service law.

NEW SECTION. Sec. 46. All reports, documents, surveys, books, records, files, papers or other writings in the possession of the department of health, the department of public assistance, the

department of institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education, and pertaining to the functions affected by this 1970 amendatory act, shall be delivered to the custody of the department of social and health services. All cabinets, furniture, office equipment, motor vehicles and other tangible property employed in carrying out the powers and duties transferred by this 1970 amendatory act shall be made available to the department. All funds, credits, or other assets held in connection with the functions herein transferred shall be assigned to the department.

Any appropriations made to the departments and agencies or divisions thereof affected by this 1970 amendatory act for the purpose of carrying out the powers and duties herein transferred, shall on the effective date of this 1970 amendatory act be transferred and credited to the department of social and health services for the purpose of carrying out such transferred powers and duties.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under this 1970 amendatory act, the director of program planning and fiscal management or his successor shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 47. All rules and regulations, and all pending business before the departments and agencies or divisions thereof affected by this 1970 amendatory act pertaining to matters transferred herein, as of July 1, 1970, shall be continued and acted upon by the department. All existing contracts and obligations pertaining to the functions herein transferred shall remain in full force and effect, and shall be performed by the department. Neither the transfer of any department or agency, or division thereof, nor any transfer of powers, duties and functions, shall affect the valid-

ity of any act performed by such department or agency or division thereof or any officer or employee thereof prior to the effective date of this 1970 amendatory act.

NEW SECTION. Sec. 48. If apportionments of budgeted funds are required because of the transfers herein authorized, the director of program planning and fiscal management shall certify such apportionments to the agencies affected, the state auditor and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with such certification.

NEW SECTION. Sec. 49. On the effective date of this 1970 amendatory act, the following state agencies are abolished:

- (1) The department of health.
- (2) The department of public assistance.
- (3) The department of institutions.
- (4) The division of vocational rehabilitation of the coordinating council for occupational education.

Sec. 50. Section 1, chapter 32, Laws of 1969 and RCW 43.17-.010 are each amended to read as follows:

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-water-resources,-(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,-(12)-the-department-of-commerce-and-economic-development,-and-(13))~~ (1) the department of social and health services, (2) the department of water resources, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of highways, (8) the department of motor vehicles, (9) the department of general administration, (10) the department of commerce and eco-

conomic development, and (11) the department of revenue, 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.

Sec. 51. Section 2, chapter 32, Laws of 1969 and RCW 43.17-.020 are each amended to read as follows:

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 water resources,~~ ~~(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,~~ ~~(12) the director of commerce and economic development,~~ and ~~(13) the director of revenue~~) (1) The secretary of social and health services, (2) the director of water resources, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the director of highways, (8) the director of motor vehicles, (9) the director of general administration, (10) the director of commerce and economic development, and (11) the director of revenue.

Such officers, except the director of highways and the director of game, 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, and the director of game shall be appointed by the game commission.

Sec. 52. Section 28A.10.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.10.010 are each amended to read as follows:

(1) "Handicapped person" means any individual:

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

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

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

(2) "Physical or mental disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's activities or functioning. The term includes behavioral disorders characterized by deviant social behavior or impaired ability to carry out normal relationships with family and community which may result from vocational, educational, cultural, social, environmental or other factors.

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

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

(5) "State agency" means the (~~coordinating-council-for-occupational-education~~) department of social and health services.

Sec. 53. Section 28A.10.080, chapter 223, Laws of 1969 ex. sess. as amended by section 23, chapter 15, Laws of 1970 ex. sess. (HB 41) and RCW 28A.10.080 are each amended to read as follows:

(1) The state agency may purchase, from any source, by contract, vocational rehabilitation services for handicapped persons, payments for such services to be made subject to procedures and fiscal controls approved by the director of program planning and fiscal management. The performance of and payment for such services shall be subject to post audit review by the state auditor.

(2) Notwithstanding any other provision of RCW 28A.10.080, 28A.10.100, 28A.10.105 and 28A.10.110, when the (~~division~~) state agency determines that a mentally retarded, severely handicapped, or disadvantaged person can reasonably be expected to benefit from, or in his best interests reasonably requires extended sheltered employment or supervised work furnished by an approved nonprofit organization, the (~~division~~) state agency is authorized to contract with such organization for the furnishing of such sheltered employment or supervised work to such mentally retarded, severely handicapped, or disadvantaged person. The (~~division~~) state agency is authorized to expend for or toward the cost of providing such sheltered employment or supervised work a sum or sums not to exceed one thousand five hundred dollars per annum for each such mentally retarded, severely handicapped, or disadvantaged person in order to maintain him as a contributing and self-supporting member of society as an alternative to dependency.

(3) The determination of eligibility for such service shall be made for each individual by the (~~division~~) state agency. The mentally retarded, severely handicapped and disadvantaged individuals served under this law shall be construed to be poor or infirm within the meaning of the term as used in the state Constitution.

(4) The (~~division~~) state agency shall maintain a register

of nonprofit organizations which it has inspected and certified as meeting required standards and as qualifying to serve the needs of such mentally retarded, severely handicapped, or disadvantaged persons. Eligibility of such organizations to receive the funds hereinbefore specified shall be based upon standards and criteria promulgated by the ~~((division))~~ state agency.

(5) The ~~((division-of-vocational-rehabilitation-with-the-approval-of-the-coordinating-council-for-occupational-education))~~ state agency is authorized to promulgate such rules and regulations as it may deem necessary or proper to carry out the provisions of this section.

Sec. 54. Section 28B.50.160, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.160 are each amended to read as follows:

In order to facilitate the greatest possible coordination and cooperation between the agencies of the state and the federal government, and to carry out the purposes and intent of this chapter and the acts of Congress relating to distribution of federal funds for the support of vocational education ~~((and-vocational-rehabilitation))~~, there is ~~((hereby))~~ created the coordinating council for occupational education to serve as the sole agency of the state for the receipt of federal funds made available by acts of Congress for vocational education ~~((and-for-vocational-rehabilitation))~~ within this state.

Consistent with the requirements of Public Law 88-210, and other acts of Congress dealing with vocational education, and to the extent necessary to comply therewith the coordinating council shall have power to supervise the administration of the state plan for vocational education in the community college system; and, subject to the supervisory powers of the state superintendent of public instruction, the coordinating council shall have the power to administer the state plan for vocational education in the public schools of the state.

Sec. 55. Section 28B.50.220, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.220 are each amended to read as follows:

In addition to its other powers and duties, the coordinating council shall have the following powers and duties:

(1) To prepare, adopt and certify the state plan for vocational education (~~((and-the-state-plan-for-vocational-rehabilitation))~~);

(2) To adopt necessary rules and regulations and do such other acts not forbidden by law necessary to carry out the provisions of this chapter and the federal acts: PROVIDED, That the coordinating council shall meet, consult and cooperate with the office of the state superintendent of public instruction on all matters falling within his constitutional supervisory powers in advance of exercising any of the powers or duties granted to the council by this section;

(3) To carry out the aims and purposes of the acts of Congress pertaining to vocational education (~~((and-vocational-rehabilitation))~~).

Sec. 56. Section 72.01.010, chapter 28, Laws of 1959 and RCW 72.01.010 are each amended to read as follows:

As used in this title:

The word "department" after the effective date of this 1970 amendatory act means the department of (~~((institutions))~~) social and health services;

The word "director" after the effective date of this 1970 amendatory act means the (~~((director-of-institutions))~~) secretary of social and health services.

Sec. 57. Section 72.02.040, chapter 28, Laws of 1959 and RCW 72.02.040 are each amended to read as follows:

~~((The-supervisor-of-adult-corrections,-through-the-division-of-adult-corrections,-and-with-the-approval-of-the-director-of-institutions,))~~ The secretary of social and health services acting for the department shall exercise all powers and perform all duties prescribed by law with respect to the administration of (~~((the))~~) any adult correctional program by the department.

Sec. 58. Section 72.05.020, chapter 28, Laws of 1959 and RCW

72.05.020 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) "Council" means the state council for children and youth.
- (2) "Division" after the effective date of this 1970 amendatory act means the ((division-of-children-and-youth-services)) department of social and health services.
- (3) ((Supervisor"-means-the-supervisor-of-children-and-youth services)) "Department" after the effective date of this 1970 amendatory act means the department of social and health services.

Sec. 59. Section 72.06.010, chapter 28, Laws of 1959 and RCW 72.06.010 are each amended to read as follows:

((There-is-established-within-the-department-of-institutions a-division-to-be-known-as-the-division-of-mental-health)) "Department" for the purposes of this chapter shall mean the department of social and health services.

Sec. 60. Section 1, chapter 169, Laws of 1953 and RCW 72.01.042 are each amended to read as follows:

The hours of labor for each full time employee ((of)) transferred under the provisions of this 1970 amendatory act from the department of institutions shall be a maximum of eight hours in any work day and forty hours in any work week.

Employees transferred under the provisions of this 1970 amendatory act from the department of institutions and 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 prior to the effective date of this 1970 amendatory act or as the same are hereinafter amended under rules and regulations promulgated hereunder.

Sec. 61. Section 2, chapter 169, Laws of 1953 and RCW 72.01.043 are each amended to read as follows:

RCW 72.01.042 shall not be applicable to the following designated personnel transferred from the department of institutions under the provisions of this 1970 amendatory act: 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 prior to the effective date of this 1970 amendatory act by the department of institutions with the concurrence of the merit system board having jurisdiction.

NEW SECTION. Sec. 62. The following acts or parts of acts are each repealed.

(1) Section 72.01.020, chapter 28, Laws of 1959 and RCW 72.01-.020;

(2) Section 72.01.030, chapter 28, Laws of 1959 as amended by section 1, chapter 134, Laws of 1967 and RCW 72.01.030;

(3) Section 72.01.040, chapter 28, Laws of 1959 and RCW 72.01-.040;

(4) Sections 1, 2, 4, 5, 6 and 7, chapter 293, Laws of 1959 and RCW 72.01.061, 72.01.062, 72.01.064, 72.01.065, 72.01.066 and 72.01.067;

(5) Sections 72.01.070 and 72.01.080, chapter 28, Laws of 1959 and RCW 72.01.070 and 72.01.080;

(6) Sections 72.01.330 through 72.01.360, chapter 28, Laws of 1959 and RCW 72.01.330 through 72.01.360;

(7) Sections 72.02.010 through 72.02.030, chapter 28, Laws of 1959 and RCW 72.02.010 through 72.02.030;

(8) Sections 3 through 6, chapter 134, Laws of 1967 and RCW

72.04A.010 through 72.04A.040;

(9) Sections 72.05.030 and 72.05.040, chapter 28, Laws of 1959 and RCW 72.05.030 and 72.05.040;

(10) Sections 72.06.020 through 72.06.040, chapter 28, Laws of 1959 and RCW 72.06.020 through 72.06.040;

(11) Sections 72.50.010 through 72.50.110, chapter 28, Laws of 1959 and RCW 72.50.010 through 72.50.110;

(12) Section 6, chapter 39, Laws of 1965 and RCW 74.36.050;

(13) Section 19, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.190;

(14) Section 28B.50.190, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.190;

(15) Section 21, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.210;

(16) Section 28B.50.210, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.210;

(17) Section 26, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.260;

(18) Section 28B.50.260, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.260; and

(19) Section 43.20.020, chapter 8, Laws of 1965 and RCW 43-.20.020.

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.

NEW SECTION. Sec. 63. Nothing in this 1970 amendatory act shall be construed to affect any existing rights acquired under the sections amended or repealed herein except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities or proceedings validated thereunder,

nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency or division thereof nor any transfer of powers, duties and functions as provided herein, shall affect the validity of any act performed by such agency or division thereof or any officer thereof prior to the effective date of this 1970 amendatory act.

NEW SECTION. Sec. 64. Nothing contained in this 1970 amendatory act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 65. The rule of strict construction shall have no application to this 1970 amendatory act, and it shall be liberally construed in order to carry out the objective for which it is designed, in accordance with the legislative intent to give the secretary the maximum possible freedom in carrying the provisions of this 1970 amendatory act into effect. Any ambiguities arising from its interpretation should be resolved consistently with the broad purposes set forth in section 1 of this 1970 amendatory act.

NEW SECTION. Sec. 66. In furtherance of the policy of the state to cooperate with the federal government in all of the programs included in this 1970 amendatory act, such rules and regulations as may become necessary to entitle the state to participate in federal funds may be adopted, unless the same be expressly prohibited by this 1970 amendatory act. Any internal reorganization carried out under the terms of this 1970 amendatory act shall meet federal requirements which are a necessary condition to state receipt of federal funds. Any section or provision of the 1970 amendatory act which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs

of the department. If any part of this 1970 amendatory act is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, such conflicting part of this act is declared to be inoperative solely to the extent of the conflict.

NEW SECTION. Sec. 67. Notwithstanding any other provision of this 1970 amendatory act, sections 37, 38, 39 and 41 hereof shall remain law until chapter 223, Laws of 1969 ex. sess. becomes effective, at which time sections 37, 38, 39 and 41 hereof shall become void and of no effect and sections 52 through 55 of this 1970 amendatory act shall become effective.

NEW SECTION. Sec. 68. Sections 1 through 10, 12, 13, 19, 20, 28 through 30, 40, 42 through 49, and 61 through 63 of this 1970 amendatory act shall be codified as a new chapter in Title 43 RCW.

NEW SECTION. Sec. 69. Except as otherwise in this amendatory act provided, this 1970 amendatory act shall take effect on July 1, 1970.

NEW SECTION. Sec. 70. If any provision of this 1970 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application to other persons or circumstances, is not affected.

Passed the Senate January 30, 1970

Passed the House February 5, 1970

Approved by the Governor February 23, 1970, with the exception of all of section 15 and certain items in sections 17, 18, 23 and 31, which are vetoed.

Filed in Office of Secretary of State February 24, 1970

NOTE: Governor's explanation of partial veto is as follows:
"...This bill creates the Department of Social and Health Services which will provide the framework for the continuing improvement in human resource programs and services of state government.

Sections 17, 18, 23 and 31 pertain to various statutory boards and commissions located within the new department. Both Senate Bill 52 and the companion bill submitted to the House of Representatives provided that members of these boards and commissions shall receive a compensatory per diem of \$25 for each day or portion thereof actually spent in attending their duties as members of the respective bodies and, in addition, they shall be

entitled to reimbursement for their subsistence and lodging expenses as provided in RCW 43.03.050 and for their travel expenses as provided in 43-.03.060.

When the companion House Bill was considered in the House it was determined by that body that the appropriate policy should be to provide a compensatory per diem of \$25 per day and not to provide in addition thereto subsistence and lodging expenses. Accordingly, the latter provision was deleted from each of the sections referred to. When Senate Bill 52 was taken up by the Senate, this issue was not actively considered. Because of the determination made in the House not to authorize subsistence and lodging expenses in addition to the compensatory per diem, I have concluded that it is appropriate to veto the item providing for subsistence and lodging expenses in each of the sections referred to.

Section 15 of Senate Bill 52 amends RCW 43.27A-.050 to conform the membership of the Water Resources Advisory Council with the structure of the new Department of Social and Health Services by replacing the Director of the Department of Health with the Secretary of the new department as a member of that Council. Senate Bill 1, which creates the Department of Ecology, abolishes the Water Resources Advisory Council by repealing RCW 43.27A-.050. To avoid any misunderstanding as to legislative intent, I am vetoing section 15 of Senate Bill 52 to make clear the legislative intent to repeal RCW 43.27A.050.

With the exception of section 15 and the items in sections 17, 18, 23 and 31, the remainder of Senate Bill 52 is approved."

CHAPTER 19

[Senate Bill No. 67]

ELECTIONS--COURT OF APPEALS JUDGES--
POSITION NUMBER

AN ACT Relating to the election of the court of appeals judges by position number; and amending section 29.21.110, chapter 9, Laws of 1965 and RCW 29.21.110.

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

Section 1. Section 29.21.110, chapter 9, Laws of 1965 and RCW 29.21.110 are each amended to read as follows:

Not less than ten days before the time for filing declarations of candidacy for election to the supreme court, or to the court of appeals for a district comprising more than one county, 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 and court of appeals 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.

Passed the Senate January 21, 1970

Passed the House February 5, 1970

Approved by the Governor February 20, 1970

Filed in Office of Secretary of State February 24, 1970

CHAPTER 20
[Engrossed Senate Bill No. 107]
SAFE WALKWAYS

AN ACT Relating to safe walkways; amending section 1, chapter 17, Laws of 1967 ex. sess. and RCW 28.24.150; amending section 28A.24-.150, chapter 223, Laws of 1969 ex. sess. and RCW 28A.24.150; and providing an expiration date of a section.

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

Section 1. Section 1, chapter 17, Laws of 1967 ex. sess. and RCW 28.24.150 are each amended to read as follows:

Whenever a safe walk-way would result in eliminating a bus route or bus run through the shortening of the walking distance of pupils, or would provide a safe route for pupils walking to school and thus eliminate the need for bus transportation, the local board of directors of any school district, upon approval of the county transportation commission, is authorized to acquire through purchase, lease, condemnation or otherwise any interest in real property necessary for such purpose and to provide for construction upon and improvement of such property or other property to provide a safe walk-way for pupils walking to and from school.

If the state superintendent of public instruction finds that the acquisition and/or construction of such a safe walk-way would, over a ((five)) fifteen year period, result in a financial saving to the state and school district involved, through a reduction in said transportation costs for said fifteen year period, then he shall

reimburse any school district for its costs incurred in providing or participating in providing such approved safe walk-ways for pupils, on the same basis that school districts are reimbursed for transportation costs pursuant to RCW 28.41.160.

Sec. 2. Section 28A.24.150, chapter 223, Laws of 1969 ex. sess. and RCW 28A.24.150 are each amended to read as follows:

Whenever a safe walk-way would result in eliminating a bus route or bus run through the shortening of the walking distance of pupils, or would provide a safe route for pupils walking to school and thus eliminate the need for bus transportation, the local board of directors of any school district, upon approval of the county transportation commission, is authorized to acquire through purchase, lease, condemnation or otherwise any interest in real property necessary for such purpose and to provide for construction upon and improvement of such property or other property to provide a safe walk-way for pupils walking to and from school.

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

NEW SECTION. Sec. 3. Notwithstanding any other provision of this 1970 amendatory act, section 1 hereof shall only be effective until chapter 223, Laws of 1969 ex. sess. shall take effect, upon which date section 1 hereof shall be void and of no effect and section 2 of this 1970 amendatory act shall become effective.

Passed the Senate February 5, 1970

Passed the House February 4, 1970

Approved by the Governor February 20, 1970

Filed in Office of Secretary of State February 24, 1970

CHAPTER 21
[Senate Bill No. 121]
BOILERS AND PRESSURE VESSELS

AN ACT Relating to boilers and pressure vessels; amending section 28, chapter 32, Laws of 1951 and RCW 70.79.290; amending section 32, chapter 32, Laws of 1951 as amended by section 1, chapter 217, Laws of 1963 and RCW 70.79.330; and repealing section 33, chapter 32, Laws of 1951 and RCW 70.79.340.

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

Section 1. Section 28, chapter 32, Laws of 1951 and RCW 70.79.290 are each amended to read as follows:

If, upon inspection, a boiler or an unfired pressure vessel is found to comply with the rules and regulations of the board, the owner or user thereof shall pay directly to the chief inspector the sum of ~~((one-dollar-in-the-case-of-a-boiler,-and-fifty-cents-in-the-case-of-an-unfired-pressure-vessel))~~ three dollars, and the chief inspector, or his duly authorized representative, shall issue to such owner or user an inspection certificate bearing the date of inspection and specifying the maximum pressure under which the boiler or unfired pressure vessel may be operated. Such inspection certificate shall be valid for not more than fourteen months from its date in the case of power boilers and twenty-six months in the case of low pressure heating boilers, and for not more than two months longer than the authorized inspection period in the case of unfired pressure vessels. Certificates shall be posted under glass in the room containing the boiler or unfired pressure vessel inspected. If the boiler or unfired pressure vessel is not located within the building, the certificate shall be posted in a location convenient to the boiler or unfired pressure vessel inspected or, in the case of a portable boiler or unfired pressure vessel, the certificate shall be kept in a metal container to be fastened to the boiler or vessel in a tool box accompanying the boiler or unfired pressure vessel.

Sec. 2. Section 32, chapter 32, Laws of 1951 as amended by section 1, chapter 217, Laws of 1963 and RCW 70.79.330 are each

amended to read as follows:

The owner or user of a boiler or pressure vessel required by this chapter to be inspected by the chief inspector, or his deputy inspector, shall pay directly to the chief inspector, upon completion of inspection, fees and expenses in accordance with the following schedule:

((Certificates-\$2.00--this-includes:

1-year-for-power-boilers

2-years-for-low-pressure-boilers

2-years-for-unfired-pressure-vessels, or for any extension granted:

Inspections:

Power-boilers

50-horsepower-or-less--internal:	\$10.00
external:	5.00
Over-50-horsepower --internal:	20.00
external:	10.00

Heating-boilers

Not-to-exceed-500-square-feet-heating	
surface-(small) --internal:	7.00
Over-500-square-feet-heating	
surface-(large) --internal:	12.00
external:	5.00

Unfired-pressure-vessels

Not-to-exceed-50-square-feet-area	
{small}-internal-or-external:	5.00
Over-50-square-feet-area-(large)	
internal-or-external:	5.00-base
For-each-additional-100-square-feet-area	\$10.00
Maximum-one-vessel	45.00

Shop-inspections:

One-half-day \$25.00-plus-expenses

One-full-day \$40.00-plus-expenses

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~~One-half-day--Not-to-exceed-2-hours-on-site-plus-travel-time.
One-full-day--not-to-exceed-6-hours-plus-travel-time.))~~

Inspections:

Boilers:

<u>Not to exceed 500 square feet of total</u>		
<u>heating surface --</u>	<u>internal:</u>	<u>\$10.00</u>
	<u>external:</u>	<u>5.00</u>
<u>From 500 square feet of total heating</u>		
<u>surface to 2500 square feet of total</u>		
<u>heating surface --</u>	<u>internal:</u>	<u>20.00</u>
	<u>external:</u>	<u>10.00</u>
<u>For each additional 2500 square feet of</u>		
<u>total heating surface, or any portion</u>		
<u>thereof --</u>	<u>internal</u>	<u>10.00</u>
	<u>external</u>	<u>5.00</u>

Pressure Vessels:

<u>Not to exceed 50 square feet in area as de-</u>		
<u>termined by multiplying the length of the</u>		
<u>shell by its di-</u>		
<u>ameter --</u>	<u>internal:</u>	<u>5.00</u>
	<u>external:</u>	<u>5.00</u>
<u>For each additional 50 square feet in area</u>		
<u>or any portion</u>		
<u>thereof --</u>	<u>internal:</u>	<u>5.00</u>
	<u>external:</u>	<u>5.00</u>

When it is necessary to make a special inspection or witness the ap-
plication of a hydrostatic test, the applicable internal in-
spection fee plus expenses shall be charged.

Shop inspections, field construction inspections and secondhand or
resale inspections:

<u>One-half day</u>	<u>\$50.00 plus expenses</u>
<u>One full day</u>	<u>\$80.00 plus expenses</u>
<u>One-half day: Not to exceed 3 hours on site.</u>	

One full day: Not to exceed 6 hours on site.

In excess of 6 hours on site: \$25.00 per hour or any portion thereof.

Expenses shall include:

Travel: \$5.00 per hour plus \$.10 per mile driven, or \$5.00 per hour plus actual cost of purchased transportation.

Hourly travel charges shall not exceed \$50.00 for any 24-hour period.

Hotel and meals: Actual cost.

NEW SECTION. Sec. 3. Section 33, chapter 32, Laws of 1951 and RCW 70.79.340 are each repealed.

Passed the Senate January 29, 1970
Passed the House February 4, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 22
[Senate Bill No. 126]
ELEVATORS, OTHER LIFTING DEVICES
AND
MOVING WALKS

AN ACT Relating to elevators, other lifting devices and moving walks; amending section 3, chapter 26, Laws of 1963 and RCW 70.87.030; amending section 12, chapter 26, Laws of 1963 and RCW 70.87-.120; and repealing section 13, chapter 26, Laws of 1963 as amended by section 3, chapter 108, Laws of 1969 ex. sess. and RCW 70.87.130.

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

Section 1. Section 3, chapter 26, Laws of 1963 and RCW 70-.87.030 are each amended to read as follows:

The director of the department of labor and industries shall administer this chapter through the supervisor of the division of ((safety)) building and construction safety inspection services. The supervisor shall promulgate and adopt such rules and regulations governing the mechanical and electrical operation, erection, installation, alterations, inspection, acceptance tests, and repair of conveyances as may be necessary and appropriate and shall also promul-

gate and adopt minimum standards governing existing installations: PROVIDED, That in the execution of this rule making power and prior to the promulgation and adoption of rules and regulations by the supervisor, he shall consider generally the rules and regulations for the safe mechanical operation, erection, installation, alteration, inspection, and repair of conveyances, including the American Standard Safety Code for Elevators, Dumbwaiters and Escalators, and any amendatory or supplemental provisions thereto, and he shall be guided by the provisions thereof where pertinent and consistent with the purposes of this chapter. The director of the department of labor and industries by rule and regulation shall establish a schedule of fees to pay the costs incurred by the department for the work related to administration and enforcement of this chapter. Nothing in this chapter shall limit the authority of the division to prescribe or enforce general or special safety orders in accordance with the provisions of chapter 49.16 RCW.

Sec. 2. Section 12, chapter 26, Laws of 1963 and RCW 70.87-.120 are each amended to read as follows:

(1) The supervisor shall appoint and employ inspectors, as may be necessary to carry out the provisions of this chapter, under the provisions of the rules and regulations adopted by the state personnel board in accordance with chapter 41.06 RCW.

(2) The supervisor shall cause all conveyances to be inspected and tested at least once each year. Inspectors shall have the right during reasonable hours to enter into and upon any building or premises in the discharge of their official duties, for the purpose of making any inspection or testing any conveyance contained thereon or therein. Inspections and tests shall conform with the rules and regulations promulgated and adopted by the supervisor. All installations shall be inspected by the supervisor before any initial permit for operation shall be issued. Permits shall not be issued until the fees (~~required~~) herein have been paid.

(3) If inspection shows a conveyance to be in an unsafe con-

dition, the supervisor shall issue an inspection report in writing requiring the repairs or alterations to be made to the conveyance which are necessary to render it safe, and may order the operation thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed.

~~((4)--No fee shall be charged for the yearly inspections or for the initial inspection after installation or alteration.--If however, the conveyance does not meet the requirements of the department, and if another inspection is required to confirm compliance by the person having control over the conveyance with the regulations of the department, then an inspection fee of ten dollars per conveyance to be inspected shall be charged for such first reinspection, and if there is still failure to comply with the rules of the department, a fee of twenty-five dollars shall be charged for every unit requiring a further reinspection.--These fees are in addition to the fees charged under RCW 70.87.130 and must be paid before issuance of an operating permit.~~

~~(5)--Any person, firm, corporation or governmental agency may secure supplemental inspections of conveyances by paying to the division a fee of twenty-five dollars per day plus the standard per diem and mileage allowed by the division to its inspectors.~~

~~(6)--Any inspection of a conveyance by the supervisor in accordance with the provisions of this act shall constitute inspection and compliance with the requirements of chapter 49.16 RCW.)~~

NEW SECTION. Sec. 3. Section 13, chapter 26, Laws of 1963 as amended by section 3, chapter 108, Laws of 1969 ex. sess. and RCW 70.87.130 are each repealed.

Passed the Senate January 30, 1970
 Passed the House February 5, 1970
 Approved by the Governor February 20, 1970
 Filed in Office of Secretary of State February 24, 1970

CHAPTER 23
[Senate Bill No. 204]
JUSTICES OF THE PEACE--NUMBER

AN ACT Relating to justice courts and administration; amending section 10, chapter 299, Laws of 1961 as last amended by section 1, chapter 66, Laws of 1969 ex. sess., and RCW 3.34.010; and amending section 11, chapter 299, Laws of 1961, as amended by section 7, chapter 66, Laws of 1969 ex. sess. and RCW 3.34.020.

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

Section 1. Section 10, chapter 299, Laws of 1961 as last amended by section 1, chapter 66, Laws of 1969 ex. sess. and RCW 3.34-.010 are each amended to read as follows:

The number of justices of the peace to be elected in each county shall be: Adams, three; Asotin, one; Benton, two; Chelan, one; Clallam, one; Clark, four; Columbia, one; Cowlitz, two; Douglas, two; Ferry, two; Franklin, one; Garfield, one; Grant, three; Grays Harbor, four; Island, three; Jefferson, one; King, twenty; Kitsap, two; Kittitas, two; Klickitat, two; Lewis, one; Lincoln, two; Mason, one; Okanogan, two; Pacific, three; Pend Oreille, two; Pierce, eight; San Juan, one; Skagit, three; Skamania, one; Snohomish, eight; Spokane, ((seven)) eight; Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two; Whitman, two; Yakima, six.

Sec. 2. Section 11, chapter 299, Laws of 1961, as amended by section 7, chapter 66, Laws of 1969 ex. sess., and RCW 3.34.020 are each amended to read as follows:

In each justice court district having a population of forty thousand or more but less than sixty thousand, there shall be elected one full time justice of the peace; in each justice court district having a population of sixty thousand but less than one hundred twenty-five thousand, there shall be elected two full time justices; in each justice court district having a population of one hundred twenty-five thousand but less than two hundred thousand, there shall be elected three full time justices; and in each justice court dis-

trict having a population of two hundred thousand or more there shall be elected one additional full time justice for each additional one hundred thousand persons or fraction thereof: PROVIDED, That if a justice court district having one or more full time justices should change in population, for reasons other than change in district boundaries, sufficiently to require a change in the number of judges previously authorized to it, the change shall be made by the county commissioners without regard to RCW 3.34.010 as now or hereafter amended and shall become effective on the second Monday of January of the year following: PROVIDED FURTHER, That upon any redistricting of the county thereafter RCW 3.34.010, as now or hereafter amended, shall again designate the number of justices in the county: PROVIDED FURTHER, That the county commissioners may by resolution make a part time position a full time office if the district's population is not more than ten thousand less than the number required by this section for a full time justice of the peace: PROVIDED FURTHER, That the county commissioners, subject to the limitations of RCW 3.34.010, may by resolution provide for the election of one full time justice in addition to the number of full time justices authorized hereinbefore to serve in districts having a population of two hundred thousand or more.

Passed the Senate January 28, 1970
Passed the House February 4, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 24
[Engrossed Senate Bill No. 228]
STATE TOXICOLOGICAL LABORATORY--
STATE TOXICOLOGIST

AN ACT Relating to the state toxicological laboratory; amending section 13, chapter 188, Laws of 1953 and RCW 68.08.107.

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

Section 1. Section 13, chapter 188, Laws of 1953 and RCW 68.08.107 are each amended to read as follows:

There shall be established at the University of Washington Medical School a state toxicological laboratory under the direction of ~~((a-competent))~~ the state toxicologist whose duty it will be to perform all necessary toxicologic procedures requested by all coroners and prosecuting attorneys. Annually the president of the University of Washington shall appoint a competent toxicologist as state toxicologist who shall serve a one year term. The state toxicologist may be reappointed to as many additional one year terms as the president of the University in his discretion deems proper. The facilities of the police school of the Washington State College and the services of its professional staff shall be made available to the coroners and the prosecuting attorneys in their investigations under this chapter. This laboratory shall be deemed to be within the meaning of medical and biological research as defined in RCW ((43:66:089)) 66.08.180, and funds for this purpose not to exceed twenty-five thousand dollars shall be provided for setting up such laboratory and an additional amount not to exceed ~~((fifty))~~ one hundred thousand dollars per biennium may be provided for salaries ~~((for-staff))~~ and operations of said laboratory, and the funds so provided may take priority over disbursements of any other sums from said medical and biological research fund.

NEW SECTION. Sec. 2. Of the sums derived from class H licenses or class H licensees which are to be distributed pursuant to RCW 66.08.180, eighty-five thousand dollars shall be provided for the operation of the state toxicological laboratory in the biennium ending June 30, 1971.

Passed the Senate January 29, 1970
Passed the House February 4, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 25
[Senate Bill No. 243]
VITAL STATISTICS--CERTIFIED COPIES--FEE

AN ACT Relating to vital statistics, increasing the fee for certified copies of records; and amending section 43.20.090, chapter 8,

Laws of 1965 as amended by section 3, chapter 26, Laws of 1967 and RCW 43.20.090.

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

Section 1. Section 43.20.090, chapter 8, Laws of 1965 as amended by section 3, chapter 26, Laws of 1967 and RCW 43.20.090 are each amended to read as follows:

The state registrar shall, upon request, furnish an applicant with a certified copy of the record of any birth, death, fetal death, marriage or decree of divorce, annulment or separate maintenance, 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~~)) three 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 fee shall be demanded or required for furnishing a certified copy of a birth, death, fetal death, marriage, divorce, annulment or separate maintenance record 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~~)) three 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 re-

quest, 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.

Passed the Senate February 2, 1970
Passed the House February 5, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 26
[Senate Bill No. 275]
UNFAIR BUSINESS PRACTICES
AND
CONSUMER PROTECTION

AN ACT Relating to unfair business practices and consumer protection; amending section 8, chapter 216, Laws of 1961 and RCW 19.86-.080; amending section 9, chapter 216, Laws of 1961 and RCW 19.86.090; amending section 10, chapter 216, Laws of 1961 and RCW 19.86.100; amending section 11, chapter 216, Laws of 1961 and RCW 19.86.110; amending section 12, chapter 216, Laws of

1961 and RCW 19.86.120; amending section 13, chapter 216, Laws of 1961 and RCW 19.86.130; and amending section 14, chapter 216, Laws of 1961 and RCW 19.86.140 ; and providing penalties. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 8, chapter 216, Laws of 1961 and RCW 19.86.080 are each amended to read as follows:

The attorney general may bring an action in the name of the state against any person to restrain and prevent the doing of any act herein prohibited or declared to be unlawful; and the prevailing party may, in the discretion of the court, recover the costs of said action including a reasonable attorney's fee.

The court may make such additional orders or judgments as may be necessary to restore to any person in interest any moneys or property, real or personal, which may have been acquired by means of any act herein prohibited or declared to be unlawful.

Sec. 2. Section 9, chapter 216, Laws of 1961 and RCW 19.86-.090 are each amended to read as follows:

Any person who is injured in his business or property by a violation of RCW 19.86.020, 19.86.030, 19.86.040, 19.86.050, or 19.86-.060, or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him, or both, together with the costs of the suit, including a reasonable attorney's fee, and the court may in its discretion, increase the award of damages to an amount not to exceed three times the actual damages sustained; PROVIDED, That such increased damage award for violation of RCW 19-.86.020 may not exceed one thousand dollars. For the purpose of this section "person" shall include the counties, municipalities, and all political subdivisions of this state.

Whenever the state of Washington is injured by reason of a violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060, it

may sue therefor in the superior court to recover the actual damages sustained by it and to recover the costs of the suit including a reasonable attorney's fee.

Sec. 3. Section 10, page *[chapter] 216, Laws of 1961 and RCW 19.86.100 are each amended to read as follows:

In the enforcement of this chapter, the attorney general may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter, from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has his principal place of business, or in Thurston county.

Such assurance of discontinuance shall not be considered an admission of a violation for any purpose; however, proof of failure to comply with the assurance of discontinuance shall be prima facie evidence of a violation of this chapter.

Sec. 4. Section 11, chapter 216, Laws of 1961 and RCW 19.86-.110 are each amended to read as follows:

(1) Whenever the attorney general believes that any person may be in possession, custody, or control of any original or copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other tangible document or recording, wherever situate, which he believes to be relevant to the subject matter of an investigation of a possible violation of RCW 19.86.020, 19.86.030, 19.86.040, 19.86.050, or 19.86.060, he may, prior to the institution of a civil proceeding thereon, execute in writing and cause to be served upon such a person, a civil investigative demand requiring such person to produce such documentary material and permit inspection and copying: PROVIDED, That this section shall not be applicable to criminal prosecutions.

(2) Each such demand shall:

(a) State the statute and section or sections thereof, the alleged violation of which is under investigation, and the general

subject matter of the investigation;

(b) Describe the class or classes of documentary material to be produced thereunder with reasonable specificity so as fairly to indicate the material demanded;

(c) Prescribe a return date within which the documentary material is to be produced; and

(d) Identify the members of the attorney general's staff to whom such documentary material is to be made available for inspection and copying.

(3) No such demand shall:

(a) Contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of this state; or

(b) Require the disclosure of any documentary material which would be privileged, or which for any other reason would not be required by a subpoena duces tecum issued by a court of this state.

(4) Service of any such demand may be made by:

(a) Delivering a duly executed copy thereof to the person to be served, or, if such person is not a natural person, to any officer of the person to be served; or

(b) Delivering a duly executed copy thereof to the principal place of business in this state of the person to be served; or

(c) Mailing by registered or certified mail a duly executed copy thereof addressed to the person to be served at the principal place of business in this state, or, if said person has no place of business in this state, to his principal office or place of business.

(5) Documentary material demanded pursuant to the provisions of this section shall be produced for inspection and copying during normal business hours at the principal office or place of business of the person served, or at such other times and places as may be agreed upon by the person served and the attorney general.

(6) No documentary material produced pursuant to a demand, or copies thereof, shall, unless otherwise ordered by a superior

court for good cause shown, be produced for inspection or copying by, nor shall the contents thereof be disclosed to, other than an authorized employee of the attorney general, without the consent of the person who produced such material: PROVIDED, That, under such reasonable terms and conditions as the attorney general shall prescribe, the copies of such documentary material shall be available for inspection and copying by the person who produced such material or any duly authorized representative of such person. The attorney general or any assistant attorney general may use such copies of documentary material as he determines necessary in the enforcement of this chapter, including presentation before any court: PROVIDED, That any such material which contains trade secrets shall not be presented except with the approval of the court in which action is pending after adequate notice to the person furnishing such material.

(7) At any time before the return date specified in the demand, or within twenty days after the demand has been served, whichever period is shorter, a petition to extend the return date for, or to modify or set aside a demand issued pursuant to subsection (1), stating good cause, may be filed in the superior court for Thurston county, or in such other county where the parties reside. A petition, by the person on whom the demand is served, stating good cause, to require the attorney general or any person to perform any duty imposed by the provisions of this section, and all other petitions in connection with a demand, may be filed in the superior court for Thurston county, or in the county where the parties reside.

(8) ~~((A person upon whom a demand is served pursuant to the provisions of this section shall comply with the terms thereof unless otherwise provided by order of court issued under subsection (7) hereof. Any person who, with intent to avoid, evade, or prevent compliance, in whole or in part, with any civil investigative demand under this section, removes from any place, conceals, withholds, or destroys, mutilates, alters, or by any other means falsifies any documentary material in the possession, custody, or control of any~~

~~person which is the subject of any demand duly served upon any person shall be guilty of an offense against the state, and shall be subject, upon conviction, to a fine not to exceed five thousand dollars or to imprisonment for a term of not more than one year, or both.)~~ Whenever any person fails to comply with any civil investigative demand for documentary material duly served upon him under this section, or whenever satisfactory copying or reproduction of any such material cannot be done and such person refuses to surrender such material, the attorney general may file, in the trial court of general jurisdiction of the county in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this section, except that if such person transacts business in more than one county such petition shall be filed in the county in which such person maintains his principal place of business, or in such other county as may be agreed upon by the parties to such petition. Whenever any petition is filed in the trial court of general jurisdiction of any county under this section, such court shall have jurisdiction to hear and determine the matter so presented and to enter such order or orders as may be required to carry into effect the provisions of this section. Disobedience of any order entered under this section by any court shall be punished as a contempt thereof.

Sec. 5. Section 12, chapter 216, Laws of 1961 and RCW 19.86-.120 are each amended to read as follows:

Any action to enforce a claim for damages under RCW 19.86.090 shall be forever barred unless commenced within four years after the cause of action accrues: PROVIDED, That whenever any action is brought by the attorney general for a violation of RCW 19.86.020, 19.86.030, 19.86.040, 19.86.050, or 19.86.060, except actions for the recovery of a civil penalty for violation of an injunction or actions under RCW 19.86.090, the running of the foregoing statute of limitations, with respect to every private right of action for damages under RCW 19.86.090 which is based in whole or part on any

matter complained of in said action by the attorney general, shall be suspended during the pendency thereof.

Sec. 6. Section 13, chapter 216, Laws of 1961 and RCW 19.86-.130 are each amended to read as follows:

A final judgment or decree rendered in any action brought under RCW 19.86.080 by the state of Washington to the effect that a defendant has violated RCW 19.86.020, 19.86.030, 19.86.040, 19.86-.050, or 19.86.060 shall be prima facie evidence against such defendant in any action brought by any party against such defendant under RCW 19.86.090 as to all matters which said judgment or decree would be an estoppel as between the parties thereto: PROVIDED, That this section shall not apply to consent judgments or decrees where the court makes no finding of illegality.

Sec. 7. Section 14, chapter 216, Laws of 1961 and RCW 19.86-.140 are each amended to read as follows:

Every person who shall violate RCW 19.86.030 or 19.86.040 or the terms of any injunction issued as in this chapter provided, shall forfeit and pay a civil penalty of not more than twenty-five thousand dollars.

Every person who violates RCW 19.86.020 shall forfeit and pay a civil penalty of not more than two thousand dollars for each violation: PROVIDED, That nothing in this paragraph shall apply to any radio or television broadcasting station which broadcasts, or to any publisher, printer or distributor of any newspaper, magazine, billboard or other advertising medium who publishes, prints or distributes, advertising in good faith without knowledge of its false, deceptive or misleading character.

For the purpose of this section the superior court issuing any injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties.

With respect to violations of RCW 19.86.030 and 19.86.040, the

attorney general, acting in the name of the state, may seek recovery of such penalties in a civil action.

Passed the Senate February 5, 1970
Passed the House February 3, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 27
[Engrossed Senate Bill No. 277]
MOBILE HOMES, COMMERCIAL COACHES
AND/OR
RECREATIONAL VEHICLES

AN ACT Relating to mobile homes, commercial coaches and/or recreational vehicles; amending section 1, chapter 157, Laws of 1967 as amended by section 1, chapter 229, Laws of 1969 ex. sess. and RCW 43.22.340; amending section 2, chapter 157, Laws of 1967 and RCW 43.22.350; amending section 3, chapter 157, Laws of 1967 and RCW 43.22.360; amending section 4, chapter 157, Laws of 1967 as amended by section 2, chapter 229, Laws of 1969 ex. sess. and RCW 43.22.370; amending section 5, chapter 157, Laws of 1967 and RCW 43.22.380; amending section 6, chapter 157, Laws of 1967 and RCW 43.22.390; amending section 7, chapter 157, Laws of 1967 and RCW 43.22.400; amending section 8, chapter 157, Laws of 1967 and RCW 43.22.410; and amending section 3, chapter 229, Laws of 1969 ex. sess. and RCW 43.22-.420.

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

Section 1. Section 1, chapter 157, Laws of 1967 as amended by section 1, chapter 229, Laws of 1969 ex. sess. and RCW 43.22.340 are each amended to read as follows:

The director of labor and industries shall prescribe and enforce rules and regulations governing safety of body and frame design, and the installation of plumbing, heating, and electrical equipment in mobile homes, commercial coaches and/or ((travel-trailers)) recreational vehicles: PROVIDED, That the director shall not prescribe or enforce rules and regulations governing the body and frame design of

recreational vehicles until after the American National Standards Institute shall have published standards and specifications upon this subject. Such rules and regulations shall be reasonably consistent with recognized and accepted principles of safety for body and frame design and ~~((for))~~ plumbing, heating, and electrical installations, in order to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe body and frame design, construction, plumbing, heating, electrical, and other equipment and shall correlate with and, so far as practicable, conform to the then current standards and specifications of the American ~~((Standards-Association))~~ National Standards Institute standards A119.1 for mobile homes and commercial coaches and A119.2 for ~~((travel-trailers))~~ recreational vehicles. It shall be unlawful for any person to lease, sell or offer for sale, within this state, any mobile homes, commercial coaches and/or ~~((travel-trailers))~~ recreational vehicles manufactured after January 1, 1968, containing plumbing, heating, electrical, or other equipment, and after July 1, 1970 body and frame design or construction unless such equipment meets the requirements of the rules and regulations provided for herein.

Sec. 2. Section 2, chapter 157, Laws of 1967 and RCW 43.22-.350 are each amended to read as follows:

(1) In compliance with any applicable provisions of this chapter, the director of the department of labor and industries shall establish a schedule of fees, whether on the basis of plan approval or inspection, for the issuance of an insignie which indicates that the mobile home, commercial coach and/or ~~((travel-trailer))~~ recreational vehicle complies with the provisions of RCW 43.22.340 through 43.22.410.

(2) Insignia are not required on mobile homes, commercial coaches and/or ~~((travel-trailers))~~ recreational vehicles manufactured within this state for sale outside this state which are sold to persons outside this state.

Sec. 3. Section 3, chapter 157, Laws of 1967 and RCW 43.22-.360 are each amended to read as follows:

Plans and specifications of each model or production prototype of a mobile home, commercial coach and/or (~~(travel-trailer)~~) recreational vehicle showing body and frame design, construction, plumbing, heating and electrical specifications and data shall be submitted to the department of labor and industries for approval and recommendations with respect to compliance with the regulations and standards of each of such agencies. When plans have been submitted and approved as aforesaid, no changes or alterations shall be made to body and frame design, construction, plumbing, heating or electrical installations or specifications shown thereon in any (~~(trailer)~~) mobile home, commercial coach or (~~(camping)~~) recreational vehicle without prior written approval of the department of labor and industries.

Sec. 4. Section 4, chapter 157, Laws of 1967 as amended by section 2, chapter 229, Laws of 1969 ex. sess. and RCW 43.22.370 are each amended to read as follows:

Any mobile home, commercial coach and/or (~~(travel-trailer)~~) recreational vehicle leased or sold in Washington and manufactured prior to July 1, 1968, which has not been inspected prior to its sale and which does not meet the requirements prescribed will not be required to comply with said requirements except for alterations or installations referred to in RCW 43.22.360.

Sec. 5. Section 5, chapter 157, Laws of 1967 and RCW 43.22-.380 are each amended to read as follows:

Used mobile homes, commercial coaches and/or (~~(travel-trailers)~~) recreational vehicles manufactured for use outside this state which do not meet the requirements prescribed and have been used for six months or more will not be required to comply with said requirements except for alterations or installations referred to in RCW 43-.22.360.

Sec. 6. Section 6, chapter 157, Laws of 1967 and RCW 43.22-.390 are each amended to read as follows:

Mobile homes, commercial coaches and/or (~~travel-trailers~~) recreational vehicles subject to the provisions of RCW 43.22.340 through 43.22.410, and mobile homes, commercial coaches and/or (~~travel-trailers~~) recreational vehicles upon which alterations of body and frame design, construction or installations of plumbing, heating or electrical equipment referred to in RCW 43.22.360 are made after July 1, 1968, shall have affixed thereto such insigne of approval.

Sec. 7. Section 7, chapter 157, Laws of 1967 and RCW 43.22-.400 are each amended to read as follows:

If the director of the department of labor and industries determines that the standards for body and frame design, construction and the plumbing, heating and electrical equipment installed in mobile homes, commercial coaches and/or recreational vehicles by the statutes or rules and regulations of other states are at least equal to the standards prescribed by this state, he may so provide by regulation. Any mobile home, commercial coach and/or recreational vehicle which a state listed in such regulations has approved as meeting its standards for body and frame design, construction and plumbing, heating and electrical equipment shall be deemed to meet the standards of the director of the department of labor and industries, if he determines that the standards of such state are actually being enforced.

Sec. 8. Section 8, chapter 157, Laws of 1967 and RCW 43.22-.410 are each amended to read as follows:

Any mobile home, commercial coach and/or (~~travel trailer~~) recreational vehicle that meets the requirements prescribed under RCW 43.22.340 shall not be required to comply with any ordinances of a city or county prescribing requirements for body and frame design, construction or plumbing, heating and electrical equipment installed in mobile homes, commercial coaches and/or recreational vehicles.

Sec. 9. Section 3, chapter 229, Laws of 1969 ex. sess., and RCW 43.22.420 are each amended to read as follows:

There is hereby created a mobile home and (~~travel-trailer~~)

recreational vehicle advisory board consisting of seven members to be appointed by the governor with the advice of the director of labor and industries as herein provided. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including but not limited to standards of body and frame design, construction and plumbing, heating and electrical installations, minimum inspection procedures, the adoption of rules and regulations pertaining to the manufacture of mobile homes, commercial coaches and ((travel-trailers)) recreational vehicles. The members of the mobile home and ((travel-trailer)) recreational vehicle advisory board shall be selected and appointed as follows: One member shall be an employee or officer of a mobile home manufacturing company; one member shall be an employee or officer of a travel trailer manufacturing company; one member shall be an employee, officer or distributor of a company engaged in the manufacture of component parts affecting the plumbing apparatus and equipment; one member shall be an employee, officer or distributor of a company engaged in the manufacture of electrical material, equipment or appliances; one member shall be a distributor or manufacturer of heating equipment, material or devices; and one member shall represent that segment of the general public owning or leasing mobile homes, commercial coaches and/or ((travel-trailers)) recreational vehicles. The chief supervisor for the mobile home, commercial coach and ((travel-trailer)) recreational vehicle section within the department of labor and industries shall be a member of the advisory board and shall act as secretary. The regular term of each member shall be four years: PROVIDED, HOWEVER, The original board shall be appointed for the following terms: The first term of the member representing a manufacturer of mobile homes and of the member representing the general public shall be four years; the member representing the manufacturer of travel trailers shall serve three years; the member representing the manufacturer or distributor of plumbing

component parts shall serve three years; the member representing the manufacturer or distributor of electrical apparatus and equipment shall serve two years; the manufacturer or distributor of heating equipment and appliances shall serve one year. The governor shall fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in making such subsequent appointments as is provided for the original appointments. The board, at this first meeting shall elect one of its members to serve as chairman. The chief supervisor or any person acting as chief supervisor for the mobile home, commercial coach and (~~travel-trailer~~) recreational vehicle section shall serve as secretary of the board during his tenure as chief. Meetings of the board shall be called at the discretion of the director of labor and industries. Each member of the board shall be paid per diem of twenty-five dollars for each day or portion thereof that the board is in session and each member shall receive in addition thereto his necessary and reasonable transportation and other expenses recognized by the state of Washington which shall be paid out of the appropriation to the department of labor and industries, upon vouchers approved by the director of labor and industries.

NEW SECTION. Sec. 10. This act shall not apply to common carrier equipment.

Passed the Senate January 31, 1970
Passed the House February 5, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 28
[Senate Bill No. 15]
DIVORCE

AN ACT Relating to divorce; and amending section 3, chapter 215, Laws of 1949 and RCW 26.08.030.

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

Section 1. Section 3, chapter 215, Laws of 1949 and RCW 26-.08.030 are each amended to read as follows:

Any person who has been a resident of the state for ((one year)) six months may file his or her complaint for a divorce under oath, in the superior court of the county where he or she may reside.

Passed the Senate January 21, 1970

Passed the House February 6, 1970

Approved by the Governor February 20, 1970

Filed in Office of Secretary of State February 24, 1970

CHAPTER 29

[Substitute Senate Bill No. 28]

HUNTING AND FISHING LICENSE FEES

AN ACT Relating to hunting and fishing license fees; amending section 77.32.020, chapter 36, Laws of 1955 as last amended by section 1, chapter 10, Laws of 1967 and RCW 77.32.020; amending section 77.32.060, chapter 36, Laws of 1955 as amended by section 2, chapter 176, Laws of 1957 and RCW 77.32.060; amending section 77.32.100, chapter 36, Laws of 1955 as last amended by section 1, chapter 48, Laws of 1965 and RCW 77.32.100; amending section 77.32.103, chapter 36, Laws of 1955 as last amended by section 2, chapter 48, Laws of 1965 and RCW 77.32.103; amending section 77.32.105, chapter 36, Laws of 1955 as last amended by section 3, chapter 48, Laws of 1965 and RCW 77.32.105; amending section 77.32.110, chapter 36, Laws of 1955 as last amended by section 4, chapter 48, Laws of 1965 and RCW 77.32.110; amending section 77.32.113, chapter 36, Laws of 1955 as last amended by section 5, chapter 48, Laws of 1965 and RCW 77.32.113; amending section 77.32.130, chapter 36, Laws of 1955 as amended by section 8, chapter 176, Laws of 1957 and RCW 77.32.130; amending section 77.32.150, chapter 36, Laws of 1955 as amended by section 9, chapter 176, Laws of 1957 and RCW 77.32.150; amending section 77.32.160, chapter 36, Laws of 1955 as amended by section 10, chapter 176, Laws of 1957 and RCW 77.32.160; amending section 77.32.190, chapter 36, Laws of 1955 as last amended by section 7, chapter 177, Laws of 1963 and RCW 77.32.190; amending section 77.32.200, chapter 36, Laws of 1955 and RCW 77.32.200; amending section

13, chapter 176, Laws of 1957 and RCW 77.32.225; amending section 77.28.020, chapter 36, Laws of 1955 and RCW 77.28.020; adding a new section to chapter 77.32 RCW; and prescribing an effective date.

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

Section 1. Section 77.32.020, chapter 36, Laws of 1955 as last amended by section 1, chapter 10, Laws of 1967 and RCW 77.32.020 are each amended to read as follows:

It shall be unlawful for any person to hunt or kill deer without first having procured from the director a tag to be known as a supplemental deer seal, which tag shall be procured, in addition to any other license, to hunt game animals required by law. The fee for issuing and procuring such tag shall be ~~((two))~~ three dollars and shall be paid in addition to all other license fees prescribed by law. It shall be unlawful for any person to hunt or kill elk without first having procured from the director a tag to be known as a supplemental elk seal, which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be ~~((seven))~~ ten dollars ~~((and-fifty-cents))~~ and shall be paid in addition to all other license fees prescribed by law.

It shall be unlawful for any person to hunt or kill mountain goat without first having procured from the director a tag to be known as a supplemental goat seal, which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be ~~((seven))~~ ten dollars ~~((and-fifty-cents))~~ and shall be paid in addition to all other license fees prescribed by law.

It shall be unlawful for any person to hunt or kill mountain sheep without first having procured from the director a tag to be known as a supplemental mountain sheep seal, which tag shall be procured in addition to any other license to hunt game animals required

by law. The fee for issuing and procuring such tag shall be ten dollars and shall be paid in addition to all other license fees prescribed by law.

It shall be unlawful for any person to hunt or kill wild turkey without first having procured from the director a tag to be known as a supplemental wild turkey seal, which tag shall be procured in addition to any other license to hunt game birds required by law. The fee for issuing and procuring such tag shall be two dollars and shall be paid in addition to all other license fees prescribed by law.

It shall be unlawful for any person to hunt or kill bear in any place where bear is classified as a game animal without first having procured from the director a tag to be known as a supplemental bear seal, which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be two dollars and shall be paid in addition to all other license fees prescribed by law: PROVIDED, That the director may issue permits for the control of bears in areas where, in his opinion, property is being damaged. No tag will be required for any bear killed to control damage.

~~((It shall be unlawful for any nonresident or alien to hunt or kill deer without first having procured from the director a tag to be known as a supplemental nonresident deer seal which tag shall be procured, at no extra charge, in addition to any other license to hunt game animals required by law.))~~

It shall be unlawful for any nonresident or alien to hunt or kill elk without first having procured from the director a tag to be known as a supplemental nonresident elk seal which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be ~~((twenty-five))~~ thirty-five dollars and shall be paid in addition to all other license fees provided by law.

It shall be unlawful for any nonresident or alien to hunt or

kill mountain goat without first having procured from the director a tag to be known as a supplemental nonresident goat seal which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be ~~((twenty-five))~~ thirty-five dollars and shall be paid in addition to all other license fees prescribed by law.

It shall be unlawful for any nonresident or alien to hunt or kill mountain sheep without first having procured from the director a tag to be known as a supplemental mountain sheep seal, which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be thirty-five dollars and shall be paid in addition to all other license fees prescribed by law.

It shall be unlawful for any person to hunt or kill any pheasant, quail, or partridge without first having procured from the director a upland bird permit, which permit shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such permit shall be two dollars.

It shall be unlawful for any person to hunt or kill wild animals or birds with a bow and arrow or muzzle-loading rifle during any special seasons established exclusively for bow and arrow or muzzle-loading rifle without first procuring from the director a permit to be known as a archery and/or muzzle-loading rifle permit, which permit shall be procured in addition to any other license to hunt game animals or birds required by law. The fee for issuing and procuring such permit shall be five dollars.

Such tags or permits shall be in the possession of all persons while engaged in hunting deer, elk, mountain goat, mountain sheep, wild turkey, ~~((or))~~ bear, pheasant, quail, or partridge; or any game animals during special bow and arrow or muzzle-loading rifle seasons. Such tags or permits shall be prepared by and under the supervision of the director and shall bear the name "department of game of the state of Washington" and the year for which it is issued,

and any other distinguishing marks deemed necessary by the director, and shall be void on the first day of April next following the date of issuance. Any person who kills any deer, elk, mountain goat, mountain sheep, wild turkey, or bear shall immediately attach his own tag to the carcass of any such animal or bird and properly seal the same. All moneys received from the issuance or sale of tags or permits as provided herein shall be paid into the state game fund. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars and not more than two hundred fifty dollars or by imprisonment in the county jail for not less than ten days and not more than thirty days or by both such fine and imprisonment.

Sec. 2. Section 77.32.060, chapter 36, Laws of 1955 as amended by section 2, chapter 176, Laws of 1957 and RCW 77.32.060 are each amended to read as follows:

Any person deputized by the director to issue combination county hunting and fishing licenses, state resident fishing licenses, state resident hunting licenses, nonresident state fishing licenses, nonresident state hunting licenses, and nonresident state transient licenses, and special permits and tags shall charge the sum of ~~((fifteen))~~ twenty-five cents in addition to collecting the fee prescribed by law, for issuing each such license, and ten cents for issuing each tag or permit, which sum shall be retained by him for his services.

Sec. 3. Section 77.32.100, chapter 36, Laws of 1955 as last amended by section 1, chapter 48, Laws of 1965 and RCW 77.32.100 are each amended to read as follows:

Any resident may by paying the sum of ~~((nine))~~ twelve 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.

Sec. 4. Section 77.32.103, chapter 36, Laws of 1955 as last amended by section 2, chapter 48, Laws of 1965 and RCW 77.32.103 are each amended to read as follows:

Any resident may by paying the sum of (~~five~~) six 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.

Sec. 5. Section 77.32.105, chapter 36, Laws of 1955 as last amended by section 3, chapter 48, Laws of 1965 and RCW 77.32.105 are each amended to read as follows:

Any resident may by paying the sum of (~~five~~) seven 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.

Sec. 6. Section 77.32.110, chapter 36, Laws of 1955 as last amended by section 4, chapter 48, Laws of 1965 and RCW 77.32.110 are each amended to read as follows:

Any resident may by paying the sum of (~~five~~) eight 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.

Sec. 7. Section 77.32.113, chapter 36, Laws of 1955 as last amended by section 5, chapter 48, Laws of 1965 and RCW 77.32.113 are each amended to read as follows:

Any resident may by paying the sum of (~~four~~) six 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.

Sec. 8. Section 77.32.130, chapter 36, Laws of 1955 as amended by section 8, chapter 176, Laws of 1957 and RCW 77.32.130 are each amended to read as follows:

Any nonresident or alien may by paying the sum of (~~thirty-five~~) fifty dollars obtain a 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 issuance, when it is lawful to hunt therein.

Sec. 9. Section 77.32.150, chapter 36, Laws of 1955 as amended by section 9, chapter 176, Laws of 1957 and RCW 77.32.150 are each amended to read as follows:

Any nonresident or alien may by paying the sum of (~~fifteen~~) twenty dollars 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 issuance, when it is lawful to fish therein.

Sec. 10. Section 77.32.160, chapter 36, Laws of 1955 as amended by section 10, chapter 176, Laws of 1957 and RCW 77.32.160 are each amended to read as follows:

Any nonresident or alien who is temporarily sojourning in the state may by paying the sum of (~~four~~) six dollars obtain a state fishing license, which shall entitle the holder thereof to fish in any county of the state for a period of seven days following the date of its issuance, when it is lawful to fish therein: PROVIDED, That the license under this section shall not entitle the holder thereof to fish for steelhead during the winter steelhead seasons as established by rule or regulation of the commission.

Sec. 11. Section 77.32.190, chapter 36, Laws of 1955 as last amended by section 7, chapter 177, Laws of 1963 and RCW 77.32.190 are each amended to read as follows:

Any resident may by paying the sum of (~~five~~) ten dollars obtain a state trapping license which shall entitle the holder there-

of to trap furbearing animals for their hides or their pelts only, within any county of the state until the first day of April next following the date of its issuance, at any time when it is lawful to trap such animals.

Sec. 12. Section 77.32.200, chapter 36, Laws of 1955 and RCW 77.32.200 are each amended to read as follows:

Any person may by paying the sum of (~~five~~) ten dollars obtain a license, which shall entitle him to practice taxidermy for profit in any county of the state until the first day of January next following the date of its issuance.

Sec. 13. Section 13, chapter 176, Laws of 1957 and RCW 77.32-.225 are each amended to read as follows:

A fishing guide license shall be obtained by every person who offers services or who performs the services of a professional guide for others in the taking of game fish.

The fee for such license is (~~ten~~) seventy-five dollars for a resident and one hundred fifty dollars for a nonresident or alien which shall entitle the holder thereof to act as a fishing guide in any county of the state until the first day of January next following the date of its issuance.

The commission may adopt rules and regulations requiring records to be kept and reports to be made by fishing guides concerning the activities of their clients with respect to the time, manner, and place of taking any game fish by such clients, the quantities taken by them, and such other information as may be helpful in enforcing the provisions of the game code or the rules and regulations of the commission. Such rules and regulations may prescribe the form of such records and reports and may require fishing guides to keep such records current while performing their services, and to display the same, and may authorize the director to prepare and distribute to fishing guides the forms for such records and reports.

Sec. 14. Section 77.28.020, chapter 36, Laws of 1955 and RCW 77.28.020 are each amended to read as follows:

The director may cause to be issued a game farmer's license that shall authorize the licensee to acquire, grow, breed, keep, or sell all or some of such species of wild animals, wild birds, and game fish as may be designated by the commission as suitable for such acquisition, breeding, growing, keeping, and sale. The cost of such license shall be (~~twenty~~) forty dollars for the first year and (~~ten~~) twenty dollars for each yearly renewal thereafter. All such licenses shall expire on December 31st annually and application for renewal shall be made prior thereto.

NEW SECTION. Sec. 15. There is added to chapter 77.32 RCW a new section to read as follows:

In the case of loss, mutilation or destruction of a license certificate or permit certificate issued under the provisions of Title 77 RCW, the director shall issue a duplicate thereof upon proof of the facts and payment of a fee of one dollar.

NEW SECTION. Sec. 16. The effective date of this 1970 amendatory act shall be January 1, 1971.

Passed the Senate January 23, 1970
 Passed the House February 6, 1970
 Approved by the Governor February 20, 1970
 Filed in Office of Secretary of State February 24, 1970

CHAPTER 30
 [Engrossed Senate Bill No. 61]
 COUNTIES--
 OPEN SPACE, PARK, RECREATION AND COMMUNITY FACILITIES--
 PUBLIC HEALTH AND SAFETY FACILITIES--
 STORM WATER CONTROL FACILITIES--
 HIGHWAYS

AN ACT Relating to counties; authorizing the establishing, acquiring, developing, constructing and improving of open space, park, recreation and community facilities, public health and safety facilities, storm water control facilities, and highways; amending section 1, chapter 109, Laws of 1967 and RCW 36.89-.010; amending section 2, chapter 109, Laws of 1967 and RCW 36.89.020; amending section 3, chapter 109, Laws of 1967 and RCW 36.89.030; amending section 4, chapter 109, Laws of 1967 and RCW 36.89.040; amending section 5, chapter 109, Laws of

1967 and RCW 36.89.050; amending section 2, chapter 66, Laws of 1907 as last amended by section 9, chapter 204, Laws of 1941 and RCW 86.12.020; adding new sections to chapter 36.89 RCW; repealing section 8, chapter 109, Laws of 1967 and RCW 36.89.070; and declaring an emergency.

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

Section 1. Section 1, chapter 109, Laws of 1967 and RCW 36.89.010 are each amended to read as follows:

The words "governmental agency" as used in this chapter mean the United States of America, the state or any agency, subdivision, taxing district or municipal or quasi municipal corporation thereof.

The word "highways" as used in this chapter means all public roads, streets, expressways, parkways, scenic drives, bridges and other public ways, including without limitation, traffic control facilities, special lanes, turnouts or structures in, upon, over or under such public ways for exclusive or nonexclusive use by public transit vehicles, and landscaping, visual and sound buffers between such public ways and adjacent properties.

The words "open space, park, recreation and community facilities" as used in this chapter mean any ~~((land,))~~ public facility, improvement, development, property or right or interest ((in-land)) therein ((and-facilities-thereon-set-aside)) for public park, recreational, green belt, arboretum, multi-purpose community center (as defined in RCW 35.59.010), museum, zoo, aquarium, auditorium, exhibition, athletic, historic, scenic, viewpoint, aesthetic, ornamental or natural resource preservation purposes.

The words "public health and safety facilities" as used in this chapter mean any public facility, improvement, development, property or right or interest therein, made, constructed or acquired for the purpose of protecting life from disease or injury, enforcing the criminal and civil laws or protecting property from damage caused by breach of law, including but not limited to public hospitals, health laboratories, public health clinics or service centers, cus-

odial, correction or rehabilitation facilities, courtrooms, crime laboratories, law enforcement equipment and facilities, training facilities for specialized personnel, facilities for the collection, storage, retrieval or communication of information, and mobile, support or administrative facilities, all as necessary for the foregoing purpose, or any combination of the facilities herein described.

The words "storm water control facilities" as used in this chapter mean any facility, improvement, development, property or interest therein, made, constructed or acquired for the purpose of controlling, or protecting life or property from, any storm, waste, flood or surplus waters wherever located within the county, and shall include but not be limited to the improvements and authority described in RCW 86.12.020 and chapters 86.13 and 86.15 RCW.

~~((counties))~~ The word "county" as used in this chapter shall mean ~~((counties-containing-a-population-of-not-less-than-one-hundred-seventy-thousand-persons))~~ any county of the state of Washington.

Sec. 2. Section 2, chapter 109, Laws of 1967 and RCW 36.89-.020 are each amended to read as follows:

The legislature finds that the open spaces, park, recreation and community facilities, public health and safety facilities, storm water control facilities and highways within any county of this state, whether located partly or wholly within or without the cities and towns of such county are of general benefit to all of the residents of such county. The open spaces, park, recreation and community facilities within such county provide public recreation, aesthetic, conservation and educational opportunities and other services and benefits accessible to all of the residents of such county. The public health and safety facilities within such county provide protection to life and property throughout the county, are functionally inter-related and affect the health, safety and welfare of all the residents of such county. The storm water control facilities within such county provide protection from storm water damage for life and property throughout the county, generally require planning and de-

velopment over the entire drainage basins, and affect the prosperity, interests and welfare of all the residents of such county. The highways within such county, whether under the general control of the county or the state or within the limits of any incorporated city or town, provide an inter-connected system for the convenient and efficient movement of people and goods within such county. The use of general county funds for the purpose of (~~acquisition-or-development-of-open-spaces-and-for-the-purpose-of~~) acquisition, development, construction, or improvement of open space, park, recreation and community facilities, public health and safety facilities, storm water control facilities, or highways or to participate with any governmental agency to perform such purposes within such county pursuant to this chapter is hereby declared to be a strictly county purpose.

Sec. 3. Section 3, chapter 109, Laws of 1967 and RCW 36.89-.030 are each amended to read as follows:

Counties are authorized to establish, acquire, develop, construct and improve open space, park, recreation and community facilities, public health and safety facilities, storm water control facilities and highways (~~and-to-acquire-and-develop-open-spaces~~) or any of them pursuant to the provisions of this chapter within and without the cities and towns of such county and for such purposes shall have the power to acquire lands, buildings and other facilities by gift, grant, purchase, condemnation, lease, devise and bequest (~~and~~), to construct, improve or maintain buildings, structures and facilities necessary for such purposes and to use and develop for such purposes the air rights over and the subsurface rights under any highway: PROVIDED, That the approval of the state highway commission shall be first secured for such use and development of any state highway: PROVIDED FURTHER, That for visual or sound buffer purposes the county shall not acquire by condemnation, less than an owner's entire interest or right in the particular real property to be so acquired if said owner objects to the taking of said lesser interest or right.

Sec. 4. Section 4, chapter 109, Laws of 1967 and RCW 36.89-.040 are each amended to read as follows:

To carry out the purposes of this chapter counties shall have the power to issue general obligation bonds within the limitations now or hereafter prescribed by the Constitution and laws of this state. Such general obligation bonds shall be authorized, issued and made payable as provided in Title 39 RCW. The board of county commissioners shall determine the manner of execution of such bonds and may provide in the principal amount of such bond issue for costs of engineering, architectural, planning, financial, legal and other services incident to the ~~((acquisition-and-development-of-open-spaces-or the-acquisition,-construction-or-improvement-of-highways-within-the county))~~ purpose of such bonds.

The question of issuance of bonds for any undertaking which relates to a number of different highways or parts thereof, whether situated wholly or partly within the limits of any city or town within the county, and whether such bonds are intended to supply the whole expenditure or to participate therein, may be submitted to the voters of the county as a single proposition. If the board of county commissioners in submitting a proposition relating to different highways or parts thereof declare that such proposition has for its object the furtherance and accomplishment of the construction of a system of connected public highways within such county and constitutes a single purpose, such declaration shall be presumed to be correct and upon the issuance of the bonds the presumption shall become conclusive.

The question of the issuance of bonds for any undertaking which relates to a number of different open spaces, park, recreation and community facilities, whether situated wholly or partly within the limits of any city or town within the county, and whether such bonds are intended to supply the whole expenditure or to participate therein may be submitted to the voters as a single proposition. If the board of county commissioners in submitting a proposition relat-

ing to different open spaces, park, recreation and community facilities declare that such proposition has for its object the furtherance, accomplishment or preservation of an open space, park, recreation and community facilities system available to, and for the benefit of, all the residents of such county and constitutes a single purpose, such declaration shall be presumed to be correct and upon the issuance of the bonds the presumption shall become conclusive.

The question of the issuance of bonds for any undertaking which relates to a number of different public health and safety facilities, whether situated wholly or partly within the limits of any city or town within the county, and whether such bonds are intended to supply the whole expenditure or to participate therein may be submitted to the voters as a single proposition. If the board of county commissioners in submitting a proposition relating to different public health and safety facilities declare that such proposition has for its object the furtherance or accomplishment of a system of public health and safety facilities for the benefit of all the residents of such county and constitutes a single purpose, such declaration shall be presumed to be correct and upon the issuance of the bonds the presumption shall become conclusive.

The question of the issuance of bonds for any undertaking which relates to a number of different storm water control facilities, whether situated wholly or partly within the limits of any city or town within the county, and whether such bonds are intended to supply the whole expenditure or to participate therein may be submitted to the voters as a single proposition. If the board of county commissioners in submitting a proposition relating to different storm water control facilities declare that such proposition has for its object the furtherance, accomplishment or preservation of a storm water control facilities system for the benefit of all the residents of such county and constitutes a single purpose, such declaration shall be presumed to be correct and upon the issuance of the bonds the presumption shall become conclusive.

Sec. 5. Section 5, chapter 109, Laws of 1967 and RCW 36.89-.050 are each amended to read as follows:

A county may finance, acquire, construct, develop, improve, maintain and operate any open space, park, recreation and community facilities, public health and safety facilities, storm water control facilities and highways (~~(and any open space lands or facilities)~~) authorized by this chapter either solely or in conjunction with one or more governmental agencies. Any governmental agency is authorized to participate in such financing, acquisition, construction, development, improvement, use, maintenance and operation and to convey, dedicate or lease any lands, properties or facilities to any county for (~~(highway or open space)~~) the purposes provided in this 1970 amendatory act, on such terms as may be fixed by agreement between the respective governing commissions or legislative bodies without submitting the matter to a vote of the electors unless the provisions of general law applicable to the incurring of public indebtedness shall require such submission.

No county shall proceed under the authority of this chapter to construct or improve any storm water control facility or highway or part thereof lying within the limits of a city or town except with the prior consent of such city or town. By agreement between their respective legislative bodies, cities, towns and counties may provide that upon completion of any storm water control facility or highway or portion thereof constructed pursuant to this chapter within any city or town, the city or town shall accept the same for maintenance and operation and that such storm water control facility or highway or portion thereof shall thereupon become a part of the respective storm water control facility or highway system of the city or town.

A county may transfer to any other governmental agency the ownership, operation and maintenance of any open space, park, recreation and community facility acquired by the county pursuant to this chapter, which lies wholly or partly within such governmental agency,

pursuant to an agreement entered into between the legislative bodies of the county and such governmental agency: PROVIDED, That such transfer shall be subject to the condition that either such ((open space)) facility shall continue to be used for ((open-space)) the same purposes or that other equivalent ((open-space)) facilities within the county shall be conveyed to the county in exchange therefor.

NEW SECTION. Sec. 6. There is added to chapter 36.89 RCW a new section to read as follows:

In issuing general obligation bonds at any time after the effective date of this 1970 amendatory act for the purpose of providing all or part of the cost and expense of planning and design, establishing, acquiring, developing, constructing or improving the county capital purposes authorized by this 1970 amendatory act, the board of county commissioners may provide that such bonds also be made payable from any otherwise unpledged revenue which may be derived from the ownership or operation of any such properties or facilities.

NEW SECTION. Sec. 7. There is added to chapter 36.89 RCW a new section to read as follows:

Any board of county commissioners may provide by resolution for revenues by fixing rates and charges for the furnishing of service to those served or receiving benefits or to be served or to receive benefits from any storm water control facility or contributing to an increase of surface water runoff. In fixing rates and charges, the board may in its discretion consider services furnished or to be furnished, benefits received or to be received, the character and use of land, or its water runoff characteristics or any other matters which present a reasonable difference as a ground for distinction. Such service charges collected shall be deposited in a special fund or funds in the county treasury to be used only for the purpose of paying all or any part of the cost and expense of maintaining and operating storm water control facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, develop-

ing, constructing and improving any of such facilities, or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such purpose.

NEW SECTION. Sec. 8. There is added to chapter 36.89 RCW a new section to read as follows:

The county shall have a lien for delinquent service charges, including interest thereon, against any property against which they were levied for storm water control facilities, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such lien shall be effective and shall be enforced and foreclosed in the same manner as provided for sewerage liens of cities and towns by RCW 35.67.200 through 35.67.290.

NEW SECTION. Sec. 9. There is added to chapter 36.89 RCW a new section to read as follows:

Any board of county commissioners may authorize the issuance of revenue bonds to finance any storm water control facility. Such bonds may be issued by the board in the same manner as prescribed in RCW 36.67.510 through 36.67.570.

Each revenue bond shall state on its face that it is payable from a special fund, naming such fund and the resolution creating the fund.

Revenue bond principal, interest, and all other related necessary expenses shall be payable only out of the appropriate special fund or funds.

Sec. 10. Section 2, chapter 66, Laws of 1907 as last amended by section 9, chapter 204, Laws of 1941 and RCW 86.12.020 are each amended to read as follows:

Said fund shall be expended for the purposes in this chapter provided. Any county, for the control of waters subject to flood conditions from streams, tidal or other bodies of water affecting such county, may inside or outside the boundaries of such county, construct, operate and maintain dams and impounding basins and dikes, levees, revetments, bulkheads, rip-rap or other protection; may re-

move bars, logs, snags and debris from and clear, deepen, widen, straighten, change, relocate or otherwise improve and maintain stream channels, main or overflow; may acquire any real or personal property or rights and interest therein for the prosecution of such works or to preserve any flood plain or regular or intermittent stream channels from any interference to the free or natural flow of flood or storm water; and may construct, operate and maintain any and all other works, structures and improvements necessary for such control; and for any such purpose may purchase, condemn or otherwise acquire land, property or rights, including beds of nonnavigable waters and state, county and school lands and property and may damage any land or other property for any such purpose, and may condemn land and other property and rights and interests therein and damage the same for any other public use after just compensation having been first made or paid into court for the owner in the manner prescribed in this chapter. The purposes in this chapter specified are hereby declared to be county purposes.

NEW SECTION. Sec. 11. Section 8, chapter 109, Laws of 1967 and RCW 36.89.070 are each hereby repealed.

NEW SECTION. Sec. 12. If any provision of this 1970 amendatory act or its application to any person or circumstance is held invalid, the remainder of this 1970 amendatory act or the application of the provision to other persons or circumstances shall not be affected.

NEW SECTION. Sec. 13. The power and authority conferred upon counties by this 1970 amendatory act shall be in addition and supplemental to those already granted and shall not limit any other powers or authority of such counties.

NEW SECTION. Sec. 14. 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 in-

stitutions, and shall take effect immediately.

Passed the Senate January 28, 1970

Passed the House February 6, 1970

Approved by the Governor February 20, 1970

Filed in Office of Secretary of State February 24, 1970

CHAPTER 31

[Senate Bill No. 66]

INDIGENT DEFENDANTS AND JUVENILES--

ATTORNEYS' FEES, EXPENSES--APPEAL COSTS--TRANSCRIPT

AN ACT Relating to appointment and payment of counsel and payment of certain costs and expenses for indigents; amending section 5, chapter 126, Laws of 1913 as last amended by section 3, chapter 133, Laws of 1965 and RCW 2.32.240; amending section 2, chapter 133, Laws of 1965 and RCW 10.01.112; and declaring an emergency.

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

Section 1. Section 5, chapter 126, Laws of 1913 as last amended by section 3, chapter 133, Laws of 1965 and RCW 2.32.240 are each amended to read as follows:

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, or a juvenile in any case determining such juvenile to be a delinquent or incorrigible child under RCW 13.04-.010, 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.

Sec. 2. Section 2, chapter 133, Laws of 1965 and RCW 10.01-.112 are each amended to read as follows:

When a judge of the superior court, in the exercise of his discretion authorizes expenditure of funds on behalf of an individual criminal defendant or a juvenile in any case determining such juvenile to be a delinquent or incorrigible child under RCW 13.04.010 who is unable by reason of poverty to procure counsel to perfect a review by the supreme court, and where the court re-appointed counsel representing the defendant at the trial or such juvenile in hearings or designates new counsel to represent the defendant or juvenile 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.

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 shall take effect immediately.

Passed the Senate January 21, 1970
Passed the House February 6, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 32
[Senate Bill No. 81]
COUNTY OFFICERS--FEES

AN ACT Relating to the fees of county officers; and amending section 36.18.020, chapter 4, Laws of 1963 as amended by section 9, chapter 26, Laws of 1967 and RCW 36.18.020.

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

Section 1. Section 36.18.020, chapter 4, Laws of 1963 as amended by section 9, chapter 26, Laws of 1967 and RCW 36.18.020 are each amended to read as follows:

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

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of (~~fifteen~~) twenty-five dollars (~~(--PROVIDED--That-if-the-action-be-one-of-divorce, annulment, or separate-maintenance, an-additional-fee-of-one-dollar shall-be-paid-which-shall-cover-the-transmittal-of-a-record-of-the-decree-of-divorce, annulment, or separate-maintenance, if-granted, to-the-state-registrar-of-vital-statistics)~~).

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

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

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

(5) The party filing a demand for jury in a civil action, shall pay, at the time of filing, a fee of (~~twenty-five~~) fifty dollars, and in the event that the case is settled out of court not

less than twenty-four hours prior to the time that such case is called to be heard upon trial, such fee shall be returned to such party by the clerk.

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

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

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

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

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

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

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

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

(14) For the preparation of a passport application there

shall be a fee of two dollars.

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

(16) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, (~~June 7, 1961~~) July 1, 1970, shall be completed and governed by the fee schedule in effect as of January 1, (~~1959~~) 1970: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

Passed the Senate January 30, 1970
Passed the House February 6, 1970
Approved by the Governor February 20, 1970
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CHAPTER 33
[Senate Bill No. 101]
POISONS AND DANGEROUS DRUGS

AN ACT Relating to poisons and dangerous drugs; and adding new sections to chapter 50, Laws of 1905, and to chapter 69.40 RCW.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 50, Laws of 1905 and to chapter 69.40 RCW a new section to read as follows:

In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this chapter, it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in this chapter, and the burden of proof of such exception, excuse, proviso, or exemption, shall be upon the defendant.

NEW SECTION. Sec. 2. There is added to chapter 50, Laws of 1905, and to chapter 69.40 RCW a new section to read as follows:

A person to whom or for whose use any poison or dangerous drug has been prescribed, sold, or dispensed, by a physician, surgeon, dentist, or other person authorized under the provisions of RCW 69-

.40.060, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

Passed the Senate January 29, 1970
Passed the House February 6, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 34
[Senate Bill No. 129]
STATE OFFICERS AND EMPLOYEES--PER DIEM

AN ACT Relating to state government; providing for per diem allowances for officers and employees; and amending section 43.03.050, chapter 8, Laws of 1965 as amended by section 1, chapter 77, Laws of 1965 ex. sess. and RCW 43.03.050.

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

Section 1. Section 43.03.050, chapter 8, Laws of 1965, as amended by section 1, chapter 77, Laws of 1965 ex. sess., and RCW 43.03.050 are each amended to read as follows:

The ~~((heads-of-all-state-departments-may))~~ director of the office of program planning and fiscal management shall prescribe for all state agencies per diem rates of allowance, not exceeding ((#if-teen)) twenty-five dollars in lieu of subsistence and lodging to 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, and not exceeding ((twenty-five)) thirty-five dollars per day while engaged on official business elsewhere. The director of the office of program planning and fiscal management may within the limits established herein prescribe and regulate the per diem rates to be allowed in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed.

Passed the Senate January 28, 1970
Passed the House February 6, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 35
[Senate Bill No. 132]
WASHINGTON STATE TEACHERS' RETIREMENT SYSTEM

AN ACT Relating to the Washington state teachers' retirement system; amending section 48, chapter 80, Laws of 1947 as last amended by section 14, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.480; amending section 16, chapter 14, Laws of 1963 ex. sess. as amended by section 15, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.497; amending section 55, chapter 80, Laws of 1947 as last amended by section 20, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.550; amending section 4, chapter 76, Laws of 1957 as last amended by section 22, chapter 150, Laws of 1969 ex. sess. and RCW 28.81.170; amending section 28B.10.465, chapter 223, Laws of 1969 ex. sess. as amended by section 23, chapter 150, Laws of 1969 ex. sess. and RCW 28B.10.465; adding a new section to chapter 41.32 RCW; providing an effective date; and providing for the expiration of a section hereof.

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

NEW SECTION. Section 1. There is added to chapter 41.32 RCW a new section to read as follows:

(1) "Index", for purposes of this section, shall mean, for any calendar year, that year's annual average consumer price index for urban wage earners and clerical workers, all items (1957-1959 equal one hundred) compiled by the Bureau of Labor Statistics, United States Department of Labor;

(2) "Prior pension" shall mean the pension portion of any retirement allowance computed and payable under the pre July 1, 1969 provisions of RCW 41.32.480 or 41.32.497, including all options available under RCW 41.32.530, survivor retirement under RCW 41.32.520, subsection (2), and disability retirement under RCW 41.32.540, to any recipient based upon an effective date which is prior to July 1, 1969;

(3) "Current pension" shall mean the pension portion of any

retirement allowance computed and payable under the provisions of RCW 41.32.497 as now or hereafter amended, including all options available under RCW 41.32.530, survivor retirement pensions under RCW 41.32.520, subsection (2), and disability retirement pensions under RCW 41.32.540, to any recipient based on an effective retirement date which is on or after July 1, 1969;

(4) Effective July 1, 1970, every prior pension which is computed and then being paid under the provisions of RCW 41.32.480, which is less than five dollars and fifty cents per month for each year of service credit established with the retirement system as of July 1, 1970, shall be increased to five dollars and fifty cents per month for each year of service credit of record on July 1, 1970, except for actuarial adjustments required under Option 2 and Option 3 retirement plans as provided in RCW 41.32.520 or 41.32.530;

(5) Effective July 1, 1970, every prior pension which is then being paid to a retired member who qualified or who may qualify for a pension of five dollars and fifty cents per month for each year of service credit, as provided under RCW 41.32.4931, shall be adjusted to that dollar amount which exceeds his adjusted pension of July 1, 1967 by the percentage difference which the retirement board finds to exist between the index for 1969 and the index for 1966;

(6) Effective July 1, 1970, every prior pension which is computed and then being paid under RCW 41.32.497 to any recipient, based upon an effective retirement date which is prior to July 1, 1969, shall be adjusted to that dollar amount which exceeds its original dollar amount by the percentage difference which the retirement board finds to exist between the index for 1969 and the index for the calendar year prior to the effective retirement date of the person to whom, or on behalf of whom, such retirement allowance is being paid: PROVIDED, That no prior pension shall be less than five dollars and fifty cents per month for each year of service credit established with the retirement system except as adjusted actuarially

under Option 2 and Option 3 retirement plans, as provided in RCW 41.32.520 or 41.32.530.

(7) Effective July 1, 1970, every current pension which is then being paid, which is less than five dollars and fifty cents per month for each year of service credit established with the retirement system, shall be increased to five dollars and fifty cents per month for each year of service credit, except as actuarial adjustments are required under RCW 41.32.480, 41.32.520, or 41.32.530.

Sec. 2. Section 48, chapter 80, Laws of 1947 as last amended by section 14, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.480 are each amended to read as follows:

(1) Any member who has left public school service after having completed thirty years of creditable service may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension (~~of four dollars per month for each year of creditable service established except~~) as provided in RCW 41.32.497 as now or hereafter amended. Effective July 1, 1967, anyone then receiving a retirement allowance or a survivor retirement allowance under this chapter, based on thirty-five years of creditable service, and who has established more than thirty-five years of service credit with the retirement system, shall thereafter receive a retirement allowance based on the total years of service credit established.

(2) Any member who has attained age sixty years, but who has completed less than thirty years of creditable service, upon leaving public school service, may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension

~~((of-four-dollars-per-month-for-each-year-of-creditable-service established-except))~~ as provided in RCW 41.32.497 as now or hereafter amended.

(3) Any member who has attained age fifty-five years and who has completed not less than twenty-five years of creditable service, upon leaving public school service, may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance which shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of the earliest date upon which he could otherwise retire under subsections (1) and (2) of this section as now or hereafter amended.

Sec. 3. Section 16, chapter 14, Laws of 1963 ex. sess. as amended by section 15, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.497 are each amended to read as follows:

Any member who qualifies for a retirement allowance which is effective on or after July 1, ~~((1964))~~ 1970 shall receive a retirement allowance consisting of: (1) An annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement, (2) A basic service pension of one hundred dollars per annum, and (3) A service pension which shall be equal to one ~~((one hundred-twentieth))~~ one-hundredth of his average earnable compensation for his ~~((five))~~ two highest compensated consecutive years of service ~~((within-the-last-ten-years))~~ times the total years of creditable service established with the retirement system: PROVIDED, That no member shall receive a pension of less than ~~((four-dollars))~~ five dollars and fifty cents per month for each year of creditable service established with the retirement system. Pension benefits payable under the provisions of this section shall be prorated on a monthly basis and paid at the end of each month ~~((--PROVIDED, FURTHER, That-the-benefits-under-this-section-shall-be-available-only-to members-who-terminate-public-school-service-in-this-state-on-or-after July-1,-1964-and-shall-include-such-members-who-terminated-public~~

~~school-service-in-this-state-at-the-close-of-the-1963-64-school-year*
 PROVIDED-FURTHER, That all members who apply and qualify for a re-
 tirement allowance to become effective on or after July 1, 1969 shall
 receive the annuity and pension benefits provided under this section
 regardless of the date on which a member terminated Washington public
 school service)).~~

Sec. 4. Section 55, chapter 80, Laws of 1947 as last amended by section 20, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.550 are each amended to read as follows:

Should the board determine from the report of the medical director that a member in full time service has become permanently disabled for the performance of his duties or at any time while a member is receiving temporary disability benefits that a member's disability will be permanent, a member shall have the option of then receiving (1) all of his accumulated contributions in a lump sum payment and canceling his membership, or (2) of accepting a retirement allowance based on service or age, if eligible under RCW 41.32-.480, or (3) if he had ((fifteen)) five or more years of ((credit-able)) Washington membership service credit established with the retirement system, a retirement allowance because of disability: PROVIDED, That any member applying for a retirement allowance who is eligible for benefits on the basis of service or age shall receive a retirement allowance based on the provision of law governing retirement for service or age. If the member qualifies to receive a retirement allowance because of disability he shall be paid the maximum annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension equal to the service pension to which he would be entitled under RCW 41.32-.497 as now or hereafter amended ((--PROVIDED, That in no case shall such pension be less than four dollars per month for each year of creditable service established, nor shall the total allowance for disability be less than seventy-five dollars per month)). If the

member dies before he has received in annuity payments the present value of his accumulated contributions at the time of his retirement, the unpaid balance shall be paid to his estate or to such persons as he shall have nominated by written designation executed and filed with the board of trustees.

A member retired for disability may be required at any time to submit to reexamination. If medical findings reveal that the individual is no longer disabled for the performance of public school service, the retirement allowance granted because of disability may be terminated by action of the board of trustees or upon written request of the member. In case of such termination, the individual shall be restored to full membership in the retirement system.

Sec. 5. Section 4, chapter 76, Laws of 1957 as last amended by section 22, chapter 150, Laws of 1969 ex. sess. and RCW 28.81.170 are each amended to read as follows:

(1) A faculty member designated by the trustees of his respective state college as being subject to such annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system shall retain credit for such service in the Washington state teachers' retirement system and shall leave his accumulated contributions in the teachers' retirement fund (except as provided in subsection 2), and upon his attaining eligibility for retirement under the Washington state teachers' retirement system, such faculty member shall receive from the Washington state teachers' retirement system a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age when becoming eligible for such retirement and a pension (~~(of four dollars per month)~~) for each year of creditable service established and retained at the time of said designation (~~(except)~~) as provided in RCW 41.32.497 as now or hereafter amended. Effective July 1, 1967, anyone then receiving pension payments from the teachers' retirement system based on thirty-five years of creditable service shall thereafter receive a pension based on the total

years of creditable service established with the retirement system: PROVIDED, HOWEVER, That such faculty member who, upon attainment of eligibility for retirement under the Washington state teachers' retirement system, is still engaged in public educational employment, shall not be eligible to receive benefits under the Washington state teachers' retirement system until he ceases such public educational employment.

Any retired faculty member who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to seventy-five days in a school year without reduction of pension.

(2) A faculty member designated by the trustees of his respective state college as being subject to the annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system may, at his election and at any time on and after the effective date of this amendatory act, terminate his membership in the Washington state teachers' retirement system and withdraw his accumulated contributions and interest in the teachers' retirement fund upon written application to the board of trustees of the Washington state teachers' retirement system. Faculty members who withdraw their accumulated contributions, on and after the date of withdrawal of contributions, shall no longer be members of the Washington state teachers' retirement system and shall forfeit all rights of membership, including pension benefits, theretofore acquired under the Washington state teachers' retirement system.

Sec. 6. Section 28B.10.465, chapter 223, Laws of 1969 ex. sess. as amended by section 23, chapter 150, Laws of 1969 ex. sess. and RCW 28B.10.465 are each amended to read as follows:

(1) A faculty member designated by the trustees of his respective state college as being subject to such annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system shall retain credit for such service in the Washington state teachers' retirement system and shall leave his

accumulated contributions in the teachers' retirement fund (except as provided in subsection 2), and upon his attaining eligibility for retirement under the Washington state teachers' retirement system, such faculty member shall receive from the Washington state teachers' retirement system a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age when becoming eligible for such retirement and a pension (~~(of four dollars per month)~~) for each year of creditable service established and retained at the time of said designation (~~(except)~~) as provided in RCW 41.32.497 as now or hereafter amended. Effective July 1, 1967, anyone then receiving pension payments from the teachers' retirement system based on thirty-five years of creditable service shall thereafter receive a pension based on the total years of creditable service established with the retirement system: PROVIDED, HOWEVER, That such faculty member who, upon attainment of eligibility for retirement under the Washington state teachers' retirement system, is still engaged in public educational employment, shall not be eligible to receive benefits under the Washington state teachers' retirement system until he ceases such public educational employment. Any retired faculty member who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to seventy-five days in a school year without reduction of pension.

(2) A faculty member designated by the trustees of his respective state college as being subject to the annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system may, at his election and at any time on and after midnight, June 10, 1959, terminate his membership in the Washington state teachers' retirement system and withdraw his accumulated contributions and interest in the teachers' retirement fund upon written application to the board of trustees of the Washington state teachers' retirement system. Faculty members who withdraw their

accumulated contributions, on and after the date of withdrawal of contributions, shall no longer be members of the Washington state teachers' retirement system and shall forfeit all rights of membership, including pension benefits, theretofore acquired under the Washington state teachers' retirement system.

NEW SECTION. Sec. 7. The funds necessary for the payment of benefits under subsections (4), (5), (6) and (7) of section 1 of this 1970 amendatory act shall be provided on a biennial basis as payment of benefits are due and shall constitute a separate appropriation transfer from the state general fund to the teachers' retirement system and shall include such separate transfer of funds as now required for the payment of benefits under RCW 41.32.493, 41.32.4931, 41.32.494, and RCW 28.81.170 (reenacted as RCW 28B.10.465), 41.32.480 and 41.32.561 as amended in chapter 151, Laws of 1967, regular session. Funds required for the payment of benefits under subsections (8) and (9) of section 1 of this 1970 amendatory act, together with funds required for the payment of benefits under all other sections of this 1970 amendatory act, shall be provided in accordance with RCW 41.32.401: PROVIDED, That all funds required for the payment of benefits, under this 1970 amendatory act, for the fiscal year July 1, 1970 through June 30, 1971 shall be paid from general fund transfers to the teachers' retirement system as authorized in chapter 282, Laws of 1969 ex. sess.

NEW SECTION. Sec. 8. The provisions of sections 1 through 5 and 7 of this 1970 amendatory act shall take effect on July 1, 1970; the provisions of section 6 of this 1970 amendatory act shall be effective on the date chapter 223, Laws of 1969 ex. sess. becomes effective, at which time section 5 of this 1970 amendatory act shall be void and of no effect.

NEW SECTION. Sec. 9. If any provision of this 1970 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to

other persons or circumstances is not affected.

Passed the Senate January 29, 1970

Passed the House February 6, 1970

Approved by the Governor February 23, 1970, with the exception of an item in section 7, which is vetoed.

Filed in Office of Secretary of State February 24, 1970

NOTE: Governor's explanation of partial veto is as follows:
"...This bill provides a cost of living increase for retired teachers and makes a number of changes in the formulas for computing retirement benefits for the members of the Teachers' Retirement System.

I commend the Legislature for the action taken to provide the needed adjustments in pensions for retired teachers whose income has been eroded by inflation in recent years. I also believe that it is appropriate to have made the pension formula changes which were designed with a view toward granting to teachers the same benefits given to state employees.

One technical error has been called to my attention by the Teachers' Retirement System. When first introduced, the bill related to matters in addition to those finally adopted by the House and Senate. Subsections 8 and 9 of section 1 in the form introduced in the Senate were deleted by amendment by the Senate Committee on Education during the legislative process. Section 7 of the bill as presented for signature still refers to the deleted subsections. I have therefore vetoed from section 7 the language referring to non-existent subsections of the bill.

The remainder of Senate Bill 132 is approved."

CHAPTER 36
[Engrossed Senate Bill No. 141]
CRIMES RELATING TO CREDIT CARDS
AND
IDENTIFICATION CARDS

AN ACT establishing crimes; and prescribing penalties.

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

NEW SECTION. Section 1. In this act, unless the context or subject matter otherwise requires:

(1) "Credit card" means any instrument or device, whether incomplete, revoked or expired, whether known as a credit card, credit plate, charge plate, courtesy card, or by any other name, issued with or without fee by any issuer for the use of the cardholder in obtaining money, goods, services or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder,

either on credit or in consideration of an undertaking or guaranty by the issuer.

(2) "Identification card" means any instrument or device issued, with or without a fee by any person or governmental agency for the use of the cardholder and which contains a signature, photograph, or descriptive information about the cardholder and is intended to be used for the purpose of establishing the identity, age, credit worthiness or other characteristic of the cardholder.

(3) "Cardholder" means the person or organization identified on the face of a credit card or identification card and to whom or for whose benefit the card is issued by an issuer.

(4) "Issuer" means the person or organization or its duly authorized agent which issues a credit card or identification card.

(5) "Participating party" means a person or organization which is obligated by contract to acquire from a merchant a sales slip or sales draft or instrument for the payment of money evidencing a credit card transaction and from whom the issuer is obligated by contract to acquire such sales slip, sales draft, or instrument for the payment of money.

(6) "Merchant" means a person or organization or its duly authorized agent, which is authorized by an issuer or a participating party to furnish money, goods, services or anything else of value, including satisfaction of a debt or the payment of a check drawn by the cardholder upon presentation of a credit card or identification card by a cardholder.

(7) "Incomplete credit card or identification card" means a credit card or identification card on which any part of the matter, other than the signature of the cardholder, which an issuer requires to appear on the credit card or identification card before it can be used by a cardholder has not been stamped, embossed, imprinted, or written on it.

(8) "Expired credit card" means a credit card which shows on

its face or by its terms that it has elapsed.

(9) "Revoked credit card" means a credit card for which permission to use it has been suspended or terminated by the issuer and notice thereof has been given to the cardholder in person or by mailing notice to the cardholder's last address known to the issuer.

(10) "Cardholder agreement" means the contract or agreement or conditions set forth by the issuer for use of the credit card or identification card which are contained in any credit or identification card application signed by the cardholder, any statement accompanying any credit card or identification card sent to a cardholder and any statements appearing on the credit card or identification card when received by the cardholder and any amendments to the agreement given pursuant to the terms of the agreement and prior to the cardholder's subsequent use of the credit card or identification card.

NEW SECTION. Sec. 2. A person is guilty of falsely procuring a credit card or identification card when he makes or causes to be made, either directly or indirectly, any false statement in writing, knowing it to be false and with the intent that it be relied upon, respecting his identity or that of any other person or organization, or his status or financial condition or the status or financial condition of any other person or organization, for the purpose of procuring the issuance of a credit card or identification card. A person falsely procuring a credit card or identification card shall be guilty of a misdemeanor.

NEW SECTION. Sec. 3. A person is guilty of credit card or identification card theft when:

(1) He acquires, obtains, takes or withholds a credit card or identification card from the person, possession, custody or control of another without the cardholder's or issuer's consent; or

(2) He acquires a credit card or identification card from another with knowledge that it has been acquired, taken, obtained or withheld, without the cardholder's consent, with intent to use it or

to sell it or to transfer it to a person other than the issuer or the cardholder; or

(3) He receives a credit card or identification card that he has reason to know to have been lost, mislaid or delivered under a mistake as to identity or address of the cardholder and he retains possession with intent to use it or to sell it or to transfer it to a person other than the issuer or the cardholder; or

(4) He sells, transfers, conveys, or receives a credit card or identification card with the intent to defraud the issuer or the cardholder or a participating party or a merchant; or

(5) He obtains control of a credit card or identification card as security for a debt with the intent to defraud the issuer, the cardholder, a participating party or a merchant; or

(6) He with intent to use said card receives a credit card or identification card issued in the name of a cardholder other than himself which he has reason to know was taken or retained under circumstances which constitutes credit card or identification card theft.

When a person not an issuer or agent thereof has in his possession or under his control credit cards or identification cards issued in the names of two or more other persons he is presumed to have violated subsections (1) or (2) of this section.

A person who commits credit card or identification card theft is guilty of a felony.

NEW SECTION. Sec. 4. (1) Every person who, with intent to defraud, makes, stamps, alters, embosses, or completes a card purporting or appearing to be a credit card or identification card issued by another, whether or not it is incomplete, expired, or revoked, is guilty of forgery in the first degree, and shall be punished by imprisonment in the state penitentiary for not more than twenty years.

(2) A person, other than person authorized by the cardholder, who, with intent to defraud, signs his own name or the name of another or of a fictitious person to a credit card or identification card, sales slip, sales draft, or instrument which evidences a credit card

transaction is guilty of forgery in the first degree, and shall be punished by imprisonment in the state penitentiary for not more than twenty years.

NEW SECTION. Sec. 5. Every person, who with intent to defraud:

(1) Uses, for the purpose of obtaining money, goods, services or anything else of value, a credit card or identification card obtained or retained in violation of section 3 of this act, or a credit card or identification card which he knows or has reason to believe is forged, expired, incomplete, revoked, or altered by anyone other than the issuer is guilty of a gross misdemeanor, and it shall be presumed that such use was with the intent to defraud and with knowledge that said credit card has been revoked, upon proof that: (a) notice that a credit card has been revoked has been mailed by registered or certified mail, return receipt requested, to the cardholder's last known address or delivered to cardholder or some other person residing with him; (b) the notice was received by the cardholder or someone else residing with him, proof of which may be accomplished by proof that a signed receipt was returned; and (c) said card was used by the cardholder or by any other person acting with his knowledge or authority, after the date the notice was received or the receipt signed; or

(2) Obtains money, goods, services or anything else of value, by representing, without the consent of the cardholder or issuer, that he is the holder of a credit card or identification card or by representing that he is the holder of a credit card or identification card and such credit card or identification card has not in fact been issued is guilty of a gross misdemeanor.

If the value of all the items so obtained under subsections (1) or (2) of this section exceeds seventy-five dollars, then the person is guilty of a felony.

NEW SECTION. Sec. 6. (1) Every person who possesses an in-

complete credit card or identification card with intent to complete it without the consent of the issuer is guilty of a felony.

(2) Every person who, with intent to defraud, possesses, with knowledge of its character, machinery, plates or any other contrivance designed for, and made use of in, the reproduction of instruments purporting or appearing to be the credit cards or identification cards or an issuer who has not consented to the preparation of such credit cards or identification cards, is guilty of a felony, and shall be punished by imprisonment in the state penitentiary for not more than twenty years.

NEW SECTION. Sec. 7. Every merchant who, with intent to defraud:

(1) Furnishes money, goods, services or anything else of value including the cancellation of a debt or the payment of a check, upon presentation of a credit card or identification card obtained or retained in violation of section 3 of this act or a credit card or identification card which he knows or has reasonable grounds to believe is forged, altered, expired or revoked and who receives any payment therefor is guilty of a gross misdemeanor. If the payment so obtained exceeds seventy-five dollars, then the merchant is guilty of a felony.

(2) Has failed to furnish money, goods, services, or anything else of value which he represents to an issuer or a participating party that he has furnished, and who receives any payment therefor is guilty of a gross misdemeanor. If the payment so obtained exceeds seventy-five dollars, then the merchant is guilty of a felony.

NEW SECTION. Sec. 8. A person who obtains at a discount price a ticket issued by an airline, railroad, steamship or other transportation company which was acquired in violation of section 5 of this act, without reasonable inquiry to ascertain that the person from whom it was obtained had a legal right to possess it shall be presumed to know that such ticket was acquired under circumstances

constituting a violation of section 5 of this act.

Passed the Senate January 26, 1970
Passed the House February 6, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 37
[Engrossed Senate Bill No. 145]
WASHINGTON LAW ENFORCEMENT OFFICERS'
AND
FIRE FIGHTERS' RETIREMENT SYSTEM

AN ACT Relating to the retirement and pensions of law enforcement officers and fire fighters; amending section 33, chapter 209, Laws of 1969 ex. sess. and RCW 41.18.104; amending section 34, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.250; and amending section 38, chapter 209, Laws of 1969 ex. sess. and RCW 41.16.145.

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

Section 1. Section 33, chapter 209, Laws of 1969 ex. sess. and RCW 41.18.104 are each amended to read as follows:

The amount of all benefits payable under the provisions of RCW 41.18.040, 41.18.080 and 41.18.100 as now or hereafter amended, shall be increased annually as hereafter in this section provided. The present benefits payable under RCW 41.18.040, 41.18.080 and 41.18.100 on July 1, 1969 shall be increased two percent each year using as a basis for such two percent increase, the amount of the present benefit payable and not the amount of the future benefit payable which will hereafter be increased by the provisions of this section.

~~((Said increases shall become effective July 1, 1969 or one year after the date when the said benefits are payable, whichever is later.))~~ As to each person receiving such benefits on or after July 1, 1969, said increases shall take effect as of July 1st, of the first year when such benefits have heretofore or shall hereafter become payable. Each year effective with the July payment all benefits specified herein, shall be increased two percent as authorized by this section. This benefit increase shall be paid monthly as part

of the regular pension payment and shall be cumulative but shall not be compounded. The increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.18 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement.

Sec. 2. Section 34, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.250 are each amended to read as follows:

All benefits presently payable pursuant to the provisions of RCW 41.20.050, 41.20.060 and 41.20.080 as such RCW sections existed prior to the effective date of the amendment of such RCW sections by sections 1, 2, 3, chapter 191, Laws of 1961 to persons who retired prior to the effective date of the said 1961 amendatory act, shall be increased annually as hereafter in this section provided. On July 1, 1969 such presently payable benefits shall be increased two percent each year using as a basis for such two percent increase, the amount of the present benefit payable and not the amount of the future benefit payable which will hereafter be increased by the provisions of this section.

~~((Said increases shall become effective July 1, 1969 or one year after the date when the said benefits are payable, whichever is later.))~~ As to each person receiving such benefits on or after July 1, 1969, said increases shall take effect as of July 1st, of the first year when such benefits have heretofore or shall hereafter become payable. Each year effective with the July payment all benefits specified herein, shall be increased two percent as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative but shall not be compounded.

Sec. 3. Section 38, chapter 209, Laws of 1969 ex. sess. and RCW 41.16.145 are each amended to read as follows:

The amount of all benefits payable under the provisions of RCW 41.16.080, 41.16.120, 41.16.130 and 41.16.140 as now or hereafter amended, shall be increased annually as hereafter in this section

provided. The present benefits payable under RCW 41.16.080, 41.16-.120, 41.16.130 and 41.16.140 on July 1, 1969 shall be increased two percent each year using as a basis for such two percent increase, the amount of present benefit payable and not the amount of the future benefit payable which will hereafter be increased by the provisions of this section.

~~((Said-increases-shall-become-effective-July-1, 1969-or-one year-after-the-date-when-the-said-benefits-are-payable, whichever-is later:))~~ As to each person receiving such benefits on or after July 1, 1969, said increases shall take effect as of July 1st, of the first year when such benefits have heretofore or shall hereafter become payable. Each year effective with the July payment all benefits specified herein, shall be increased two percent as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative but shall not be compounded. The increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.16 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement.

NEW SECTION. Sec. 4. This 1970 amendatory act shall be null and void and of no further force and effect if the 1970 extraordinary session of the legislature does not pass legislation authorizing cities and counties to levy additional taxes or appropriate at least ten million dollars for distribution to cities and towns for the remainder of the 1969-71 fiscal biennium.

Passed the Senate January 27, 1970
Passed the House February 6, 1970
Approved by the Governor February 23, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 38
[Engrossed Senate Bill No. 164]
PUBLIC WORKS CONTRACTS--
INVESTMENT OF RETAINED PERCENTAGE

AN ACT Relating to contracts on public works; providing for investment of the retained percentage; amending section 1, chapter

166, Laws of 1921 as last amended by section 1, chapter 151, Laws of 1969 ex. sess. and RCW 60.28.010; amending section 2, chapter 166, Laws of 1921 as last amended by section 23, chapter 26, Laws of 1967 ex. sess. and RCW 60.28.020; and amending section 5, chapter 236, Laws of 1955 as amended by section 24, chapter 26, Laws of 1967 ex. sess. and RCW 60.28.050.

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

Section 1. Section 1, chapter 166, Laws of 1921, as last amended by section 1, chapter 151, Laws of 1969 ex. sess. and RCW 60.28.010 are each amended to read as follows:

(1) Contracts for public improvements or work, other than for professional services, by the state, or any county, city, town, district, board, or other public body, herein referred to as "public body", shall provide, and there shall be reserved by the public body from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum equal to ten percent of the first one hundred thousand dollars and five percent for all amounts over one hundred thousand dollars of such estimates, said sum to be retained by the state, county, city, town, district, board, or other public body, as a trust fund for the protection and payment of any person or persons, mechanic, subcontractor or materialman who shall perform any labor upon such contract or the doing of said work, and all persons who shall supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, and the state with respect to taxes imposed pursuant to Title 82 which may be due from such contractor. ~~((Said fund shall be retained for a period of thirty days following the final acceptance of said improvement or work as completed, and))~~ Every person performing labor or furnishing supplies toward the completion of said improvement or work shall have a lien upon said ~~((fund))~~ moneys so reserved: PROVIDED, That such notice of the lien of such claimant shall be given in the manner and within the time provided in RCW 39.08.030 through 39.08.060 as now existing and in accordance with any

amendments that may hereafter be made thereto: PROVIDED FURTHER, That the board, council, commission, trustees, officer or body acting for the state, county or municipality or other public body, at any time after fifty percent of the original contract work has been completed, if it finds that satisfactory progress is being made, may make any of the partial payments subsequently made in full; but in no event shall the amount to be retained be reduced to less than five percent of the amount of the entire contract.

(2) The moneys reserved under the provisions of subsection (1) of this section, at the option of the contractor, shall be:

(a) Retained in a fund by the public body until thirty days following the final acceptance of said improvement or work as completed; or

(b) Placed in escrow with a bank or trust company by the public body until thirty days following the final acceptance of said improvement or work as completed.

When the moneys reserved are to be placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. Such check shall be converted into bonds and securities chosen by the contractor and approved by the public body and such bonds and securities shall be held in escrow. Interest on such bonds and securities shall be paid to the contractor as the said interest accrues.

~~((2))~~ (3) If the public body administering a contract, other than a contract governed by the provisions of RCW 60.28.070, as amended, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in such case any amounts

retained and accumulated under this section shall be held for a period of thirty days following such acceptance. In the event that the work shall have been terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter 60.28 shall be deemed exclusive and shall supersede all provisions and regulations in conflict herewith.

Sec. 2. Section 2, chapter 166, Laws of 1921 as last amended by section 23, chapter 26, Laws of 1967 ex. sess. and RCW 60.28.020 are each amended to read as follows:

After the expiration of the thirty day period, and after receipt of the department of revenue's certificate, ~~((the reserve in excess of a sum sufficient to discharge))~~ and the public body is satisfied that the taxes certified as due or to become due by the department of revenue are discharged, and the claims of materialmen and laborers who have filed their claims, together with a sum sufficient to defray the cost of foreclosing the liens of such claims, and to pay attorneys' fees, ((shall be paid to the contractor)) have been paid, the public body shall pay to the contractor the fund retained by it or release to the contractor the securities and bonds held in escrow.

If such taxes have not been discharged or the claims, expenses, and fees have not been paid, the public body shall: (1) deduct such taxes and such claims, expenses and fees from the fund retained by it and pay the remainder, if any, to the contractor; or (2) order the securities and bonds held in escrow to be reconverted to money and returned to the public body who shall deduct such taxes and such claims, expenses, and fees from such sum and pay the remainder, if any, to the contractor.

Sec. 3. Section 5, chapter 236, Laws of 1955 as amended by section 24, chapter 26, Laws of 1967 ex. sess. and RCW 60.28.050 are each amended to read as follows:

Upon final acceptance of a contract, the state, county or other municipal officer charged with the duty of disbursing or authorizing disbursement or payment of such contracts shall forthwith notify the department of revenue of the completion of said contract. Such officer shall not make any payment from the retained percentage fund or release any retained percentage escrow account to any person, until he has received from the department of revenue a certificate that all taxes, increases and penalties due from the contractor, and all taxes due and to become due with respect to such contract have been paid in full or that they are, in the department's opinion, readily collectible without recourse to the state's lien on the retained percentage.

Passed the Senate January 29, 1970
Passed the House February 6, 1970
Approved by the Governor February 23, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 39
[Engrossed Senate Bill No. 179]
STATE EMPLOYEES AND OFFICIALS--
INSURANCE AND HEALTH CARE PROGRAMS

AN ACT Relating to insurance and health care programs for state employees and officials; amending section 1, chapter 75, Laws of 1963 as last amended by section 1, chapter 237, Laws of 1969, 1st ex. sess. and RCW 41.04.180; amending section 5, chapter 59, Laws of 1969 and RCW 41.04.230; repealing section 5, chapter 237, Laws of 1969, 1st ex. sess. and RCW 41.04-.200; repealing section 6, chapter 237, Laws of 1969, 1st ex. sess. and RCW 41.04.210; repealing section 8, chapter 237, Laws of 1969, 1st ex. sess.; adding new sections to Title 41 RCW as a new chapter thereof; adding a new section to chapter 1, Laws of 1961 and chapter 41.06 RCW; making an

appropriation and declaring an emergency.

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

NEW SECTION. Section 1. Unless the context clearly indicates otherwise, words used in this chapter have the following meaning:

(1) "Board" means the state employees' insurance board established under the provisions of section 2 hereof.

(2) "Employee" shall include all full time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full time members of boards, commissions or committees; and shall include any or all part time and temporary employees under the terms and conditions established by the board; and members of the legislature who are elected to office after the effective date of this act.

(3) "Panel medicine plan" means a health care plan which can be offered by a health care service contractor which itself furnishes the health care service contracted for by means of a group practice prepaid medical care plan.

(4) "Trustee" shall mean the director of personnel.

NEW SECTION. Sec. 2. (1) There is hereby created a state employees' insurance board to be composed as follows: The governor or his designee; the state directors of the department of general administration and the department of personnel; one member representing an association of state employees and one member representing a state employees' union, who shall be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The senate and house members of the board shall serve in ex officio capacity only. All appointments shall be made effective immediately. The first meeting of the board shall be held as soon as possible thereafter at the call of the director of personnel. The board shall prescribe rules

for the conduct of its business and shall elect a chairman and vice-chairman at its first meeting and annually thereafter. Members of the board shall receive no compensation for their services, but shall be paid for their necessary and actual expenses while on official business and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage for state employees on the best basis possible with relation both to the welfare of the employees and to the state. The board shall design benefits, devise specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board. The board shall from time to time review and amend such plans. Contracts for health benefit plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide three employee health care benefit plans; one plan will provide major medical benefits as its primary feature, another plan will provide basic first-dollar benefits as its primary feature plus major medical, either or both of which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and another plan to be provided by a panel medicine plan in its service area only when approved by the board. Except for panel medicine plans, no more than one insurance carrier or health care service contractor shall be contracted with to provide the same plan of benefits: PROVIDED, That employees may choose participation in only one of the three plans sponsored by the board.

NEW SECTION. Sec. 3. (1) The director of the department of personnel shall be trustee and administrator of health benefit contracts awarded by the board and shall have power to employ a bene-

fits supervisor and such other assistants and employees as may be necessary subject to the jurisdiction of the state civil service law, chapter 41.06 RCW. The director of personnel shall provide any other personnel and facilities necessary for assistance to the board. He may delegate his duties hereunder to the benefits supervisor.

(2) The director of personnel, as trustee, shall transmit contributions for health care benefits in payment of premiums and receive and deposit contributions and dividends or refunds into the state employees insurance revolving fund, which shall be used for payment of premiums, administrative expenses other than staffing as provided in section 3(1) of this 1970 amendatory act, to reduce employee contributions or to increase benefits in accordance with instructions of the board.

(3) Every division, department or separate agency of state government shall fully cooperate in administration of the plans, education of employees, claims administration and other duties as required by the trustee or the board.

NEW SECTION. Sec. 4. There is hereby created a fund within the state treasury, designated as the "state employees insurance fund", to be used by the trustee as a revolving fund for the deposit of contributions, dividends and refunds, and for payment of premiums for health care benefit contracts entered into in accordance with instructions of the board and payments authorized by section 3(2) of this 1970 amendatory act. Moneys from the state employees insurance fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the trustee.

NEW SECTION. Sec. 5. (1) Every department, division or separate agency of state government shall provide contributions to hospitalization and medical aid plans for its employees and their dependents, the content of such plans to be determined by the state employees insurance board. All such contributions will be paid into

the state employees insurance fund to be expended by the trustee for the payment of required health insurance premiums.

(2) The contributions of any department, division or separate agency of the state government shall be limited to ten dollars per month per employee covered, from July 1, 1970 through June, 1971. Thereafter such contribution shall be established by the state personnel board in accordance with the procedure required for the adoption and amendment of salary schedules for employees under its jurisdiction as provided in RCW 41.06.150 and RCW 41.06.160. The contributions for employees not covered by state civil service shall be set by the state employees insurance board, subject to the approval of the governor for availability of funds: PROVIDED, That nothing herein shall be a limitation on employees employed under chapter 47-.64 RCW: PROVIDED FURTHER, That provision for school district and higher education personnel shall not be made under this act.

NEW SECTION. Sec. 6. The department of general administration shall make its services available to the board in advertising for and procuring bids for health care benefit programs authorized by the board in accordance with RCW 43.19.1935.

NEW SECTION. Sec. 7. The cost of any health care insurance contracts or plans to any department, division or separate agency of state government shall be deemed additional compensation to the employees or officials covered thereby for services rendered, and any officer authorized to disburse such funds shall pay to the trustee for payment of the contributions due pursuant to any such contract authorized by the board.

NEW SECTION. Sec. 8. Retired state employees may continue their participation in insurance plans and contracts after retirement, under the qualifications, terms, conditions and benefits set by the board: EXCEPT, That such retired employees shall bear the full cost of premiums required to provide such coverage.

NEW SECTION. Sec. 9. There is added to chapter 1, Laws of 1961 and to chapter 41.06 RCW a new section to read as follows:

On and after July 1, 1971, the contributions of any department, division or separate agency of state government to hospitalization and medical aid plans for its employees and their dependents whose employment is subject to the state civil service law shall be in an amount established by the Washington state personnel board, subject to appropriation of funds for that purpose, in accordance with the procedure required for the adoption and amendment of salary schedules.

Sec. 10. Section 1, chapter 75, Laws of 1963 as last amended by section 1, chapter 237, Laws of 1969 ex. sess. and RCW 41.04.180 are each amended to read as follows:

Any (~~department, division, or separate agency of the state government, and any~~) county, municipality or other political subdivision of the state acting through its principal supervising official or governing body may, whenever funds shall be available for that purpose (~~as determined by the budget director as respects to state agencies~~) provide for all or a part of hospitalization and medical aid for its employees and their dependents through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW, for group hospitalization and medical aid policies or plans: PROVIDED, That any (~~department, division or separate agency of state government, and any~~) county, municipality or other political subdivision of the state acting through its principal supervising official or governing body shall provide the employees thereof a choice of policies or plans through contracts with not less than two regularly constituted insurance carriers or health care service contractors: AND PROVIDED FURTHER, That any county may provide such hospitalization and medical aid to county elected officials and their dependents on the same basis as such hospitalization and medical aid is provided to other county employees and their dependents: (~~PROVIDED FURTHER, That the contributions of any department, division or separate~~

~~agency-of-the-state-government-shall-be-limited-to-ten-dollars-per-month-per-employee-covered;-except-that-such-limitation-shall-not-apply-to-employees-employed-under-chapter-47.64-RCW.))~~ PROVIDED FURTHER, That provision for school district and higher education personnel shall not be made under this section but shall be as provided in RCW 28.76.410 (or sections 28A.58.420 and 28B.10.660 of the 1969 education code).

Sec. 11. Section 5, chapter 59, Laws of 1969 and RCW 41.04-.230 are each amended to read as follows:

Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct each month from the salaries or wages of the officers or employees, the amount of money designated by the officer or employee for payment of the following:

(1) Credit union deductions: PROVIDED, That the credit union is organized solely for public employees: AND PROVIDED FURTHER, That twenty-five or more employees of a single state agency or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same credit union.

(2) Parking fee deductions: PROVIDED, That payment is made for parking facilities furnished by the agency or by the department of general administration.

(3) U. S. savings bond deductions: PROVIDED, That a person within the particular agency shall be appointed to act as trustee. The trustee will receive all contributions; purchase and deliver all bond certificates; and keep such records and furnish such bond or security as will render full accountability for all bond contributions.

(4) Board, lodging or uniform deductions when such board, lodging and uniforms are furnished by the state, or deductions for

academic tuitions or fees or scholarship contributions payable to the employing institution.

(5) Dues and other fees deductions: PROVIDED, That the deduction is for payment of membership dues to any professional organization formed primarily for public employees or college and university professors: AND PROVIDED, FURTHER, That twenty-five or more employees of a single state agency, or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same professional organization.

(6) Labor or employee organization dues may be deducted in the event that a payroll deduction is not provided under a collective bargaining agreement under the provisions of RCW 41.06.150: PROVIDED, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same labor or employee organization: PROVIDED, FURTHER, That labor or employee organizations with five hundred or more members in state government may have payroll deduction for employee benefit programs.

(7) Accident (~~(;health;)~~) and casualty (~~(;or-medical;-surgic-
eal-and-hospital)~~) premiums to a single insurer: PROVIDED, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to that insurer.

(8) Health care insurance contributions to the trustee of health care benefit contracts for payment of premiums under contracts authorized by the state employees' insurance board.

Deductions from salaries and wages of public officers and employees other than those enumerated in this section or by other law, may be authorized by the budget director for purposes clearly related to state employment or goals and objectives of the agency.

The authority to make deductions from the salaries and wages

of public officers and employees as provided for in this section shall be in addition to such other authority as may be provided by law.

NEW SECTION. Sec. 12. The following acts or parts of acts are hereby repealed:

(1) Section 5, chapter 237, Laws of 1969, 1st ex. sess., and RCW 41.04.200;

(2) Section 6, chapter 237, Laws of 1969, 1st ex. sess., and RCW 41.04.210; and

(3) Section 8, chapter 237, Laws of 1969, 1st ex. sess.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 14. 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. 15. There is appropriated to the state employees' insurance board from the general fund, the sum of ten thousand dollars, or so much thereof as may be necessary, for its expenses under this act.

Passed the Senate January 31, 1970

Passed the House February 6, 1970

Approved by the Governor February 20, 1970

Filed in Office of Secretary of State February 24, 1970

CHAPTER 40
[Senate Bill No. 311]
OUTDOOR RECREATIONAL AREAS AND FACILITIES--
ACQUISITION--BOND ISSUE

AN ACT Relating to state government and the support thereof; amending section 2, chapter 126, Laws of 1967 ex. sess. and RCW 43-.99A.020; amending section 3, chapter 126, Laws of 1967 ex. sess. and RCW 43.99A.030; and providing for submission of

this act to a vote of the people.

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

Section 1. Section 2, chapter 126, Laws of 1967 ex. sess. and RCW 43.99A.020 are each amended to read as follows:

For the purpose of providing funds for the acquisition and development of outdoor recreational areas and facilities in this state, the state finance committee is authorized to issue (~~(7-at-any-time-prior-to-January-17-19757)~~) general obligation bonds of the state of Washington in the sum of forty million dollars or so much thereof as may be required to finance the projects described in RCW 43.99A.070 and 43.99A.080. These bonds shall be paid and discharged within twenty years of the date of issuance.

Sec. 2. Section 3, chapter 126, Laws of 1967 ex. sess. and RCW 43.99A.030 are each amended to read as follows:

The state finance committee is authorized to prescribe the form of the bonds, the maximum rate of interest the same shall bear, the time of sale of all or any portion of them, and the conditions of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value (~~(7-ner-shall-they-bear-interest-at-a-rate-in-excess-of-six-percent-per-annum)~~).

NEW SECTION. Sec. 3. In the event all of the bonds authorized by RCW 43.99A.010 through 43.99A.110 have not been issued on or before September 2, 1970, then this act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1970; in accordance with the provisions of section 3, Article VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution as amended, and the laws adopted to facilitate the operation thereof.

NEW SECTION. Sec. 4. Sections 1 and 2 of this 1970 amendatory act shall not become effective unless this act is adopted and

ratified at the referendum election provided for in section 3 of this 1970 amendatory act.

Passed the Senate January 31, 1970
Passed the House February 6, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 41
[Engrossed Senate Bill No. 2]
POLLUTION CONTROL--HEARINGS--REVIEW--APPEALS

AN ACT Relating to pollution control; amending section 12, chapter 13, Laws of 1967 and RCW 90.48.135; and amending section 36, chapter 238, Laws of 1967 [as amended by section 26, chapter 168, Laws of 1969 ex. sess.] and RCW 70.94.222.

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

Section 1. Section 12, chapter 13, Laws of 1967 and RCW 90.48.135 are each amended to read as follows:

Any person having an interest of an economic or noneconomic nature who feels aggrieved by an order or directive of the commission shall be entitled to a hearing before the commission, or an examiner designated by the commission, upon request. No such request shall be entertained by the commission unless it contains a statement of the substance of the order or directive complained of and the manner in which the same affects the aggrieved and is delivered to the commission's office in Olympia, personally or by registered mail, within thirty days following the rendition of the order or directive. ((No)) Notwithstanding any provision of chapter 34.04 RCW which may be to the contrary, no order or directive of the commission shall be stayed pending completion of the hearing and issuance of a final order, unless the commission, acting on an application for a stay from a party to the hearing, determines in its discretion that issuance of a stay would not be detrimental to the public interest. Such final order shall be subject to review upon application by any party to the hearing in the superior court of the county in which the affected system or plant or other discharge facility, or some portion thereof, is

situated. The denial by the commission of an application for a stay shall constitute an order subject to court review as provided for in this section. When a petition for review of any final order of the commission, in a contested case or on an application for a stay, is filed before a superior court, the court shall initiate a hearing pursuant to RCW 34.04.130 within ninety days after the receipt of the petition requesting judicial review. Every appeal from a decision of the superior court shall be heard by the appropriate appellate court as soon as possible. Such appeal shall be considered a case involving issues of broad public import requiring prompt and ultimate determination.

Sec. 2. Section 36, chapter 238, Laws of 1967, as amended by section 26, chapter 238*[168], Laws of 1969 1st extraordinary session, and RCW 70.94.222 are each amended to read as follows:

Any order issued by the board after a hearing shall become final unless no later than thirty days after the issuance of such order, a petition requesting judicial review is filed in accordance with the provisions of chapter 34.04 RCW as now or hereafter amended. When such a petition is filed, the superior court shall initiate a hearing pursuant to RCW 34.04.130 within ninety days after the receipt of the petition requesting judicial review. Every appeal from a decision of the superior court shall be heard by the appropriate appellate court as soon as possible. Such appeal shall be considered a case involving issues of broad public import requiring prompt and ultimate determination.

Passed the Senate February 9, 1970

Passed the House February 5, 1970

Approved by the Governor February 23, 1970

Filed in Office of Secretary of State February 24, 1970

CHAPTER 42
[Engrossed Senate Bill No. 40]
TAXING DISTRICTS--LIMITATIONS OF INDEBTEDNESS

AN ACT Relating to taxing districts; amending section 7, chapter 59, Laws of 1955 and RCW 27.12.070; amending section 1, chapter 59, Laws of 1955 and RCW 27.12.222; amending section 2, chapter 244, Laws of 1969 ex. sess. and RCW 28.47.801; amending section 2, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.801; amending section 1, page 324, Laws of 1909 as last amended by section 1, chapter 142, Laws of 1969 and RCW 28.51.010; amending section 28A.51.010, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 142, Laws of 1969 and RCW 28A.51.010; amending section 2, page 324, Laws of 1909 and RCW 28.51.020; amending section 28A.51.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.020; amending section 1, chapter 62, Laws of 1965 and RCW 28.58.550; amending section 28A.58.550, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.550; amending section 35.37.040, chapter 7, Laws of 1965 and RCW 35.37.040; amending section 35.58.450, chapter 7, Laws of 1965 as last amended by section ..., chapter ... (HB...), Laws of 1970 1st ex. sess. and RCW 35.58.450; amending section 35.61.100, chapter 7, Laws of 1965 and RCW 35.61.100; amending section 35.61.110, chapter 7, Laws of 1965 and RCW 35.61.110; amending section 35A.40.090, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.090; amending section 36.67.010, chapter 4, Laws of 1963 and RCW 36.67.010; amending section 36.67.020, chapter 4, Laws of 1963 as amended by section 2, chapter 107, Laws of 1967 and RCW 36.67.020; amending section 13, chapter 218, Laws of 1963 and RCW 36.68.520; amending section 36.69.140, chapter 4, Laws of 1963 as last amended by section 5, chapter 26, Laws of 1969 and RCW 36.69.140; amending section 36.76.010, chapter 4, Laws of 1963 as amended by section 72, chapter 232, Laws of 1969 ex. sess. and RCW

36.76.010; amending section 36.76.080, chapter 4, Laws of 1963 and RCW 36.76.080; amending section 2, chapter 4, Laws of 1917 and RCW 37.16.010; amending section 3, chapter 4, Laws of 1917 as amended by section 74, chapter 232, Laws of 1969 ex. sess. and RCW 37.16.020; amending section 4, chapter 107, Laws of 1937 and RCW 39.28.030; amending section 1, chapter 158, Laws of 1961 as amended by section 1, chapter 92, Laws of 1963 and RCW 39.30.010; amending section 1, chapter 143, Laws of 1917 as last amended by section 3, chapter 142, Laws of 1969 and RCW 39.36.020; amending section 31, chapter 181, Laws of 1961 and RCW 47.57.530; amending section 1, chapter 21, Laws of 1965 and RCW 52.08.080; amending section 3, chapter 24, Laws of 1951 2nd ex. sess. as amended by section 4, chapter 176, Laws of 1953 and RCW 52.16.080; amending section 4, chapter 65, Laws of 1955 and RCW 53.08.030; amending section 12, chapter 65, Laws of 1955 as last amended by section 1, chapter 54, Laws of 1965 ex. sess. and RCW 53.36.030; amending section 7, chapter 1, Laws of 1931 as amended by section 14, chapter 232, Laws of 1969 ex. sess. and RCW 54.24.018; amending section 42, chapter 210, Laws of 1941 as amended by section 15, chapter 140, Laws of 1945 and RCW 56.16.050; amending section 19, chapter 114, Laws of 1929 and RCW 57.20.110; amending section 20, chapter 114, Laws of 1929 and RCW 57.20.120; amending section 1, chapter 3, Laws of 1911 and RCW 88.32.230; amending section 134, chapter 254, Laws of 1927 and RCW 89.30.400; amending section 135, chapter 254, Laws of 1927 and RCW 89.30.403; amending section 16, chapter 26, Laws of 1965 as amended by section 8, chapter 164, Laws of 1967 and RCW 86.05.920; adding a new section to chapter 39.36 RCW; and prescribing an effective date.

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

NEW SECTION. Section 1. There is added to chapter 39.36 RCW a new section to read as follows:

Whenever used in this 1970 amendatory act, the term "value of the taxable property" shall mean the actual value of the taxable property in a taxing district incurring indebtedness, as the term "taxing district" is defined in RCW 39.36.010, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness except that in incorporated cities the assessment shall be taken from the last assessment for city purposes.

Sec. 2. Section 7, chapter 59, Laws of 1955 and RCW 27.12.070 are each amended to read as follows:

At no time shall the total indebtedness of the district exceed an amount that could be raised by a ~~((two))~~ one mill levy on the then existing ~~((valuation-of-the))~~ value of the taxable property of the district, as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, except as provided in RCW 27.12.222 or RCW 84.52.052 or 84.52.056. The county treasurer of the county in which any rural county library district is created shall receive and disburse all district revenues and collect all taxes levied under this chapter.

Sec. 3. Section 1, chapter 59, Laws of 1955 and RCW 27.12-.222 are each amended to read as follows:

In addition to the indebtedness authorized by RCW 27.12.150 and 27.12.070, rural county library districts and intercounty rural library districts may incur indebtedness for capital purposes to the full extent permitted by the Constitution and may issue general obligation bonds to pay therefor, not to exceed an amount equal to ~~((two))~~ one-half of one percent of the ~~((assessed-valuation))~~ value of the taxable property within the district, as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act. Any such indebtedness shall be authorized by resolution of the board of library trustees, and the board of library trustees shall submit the question to the qualified electors of the district for their ratification or rejection whether or not such indebtedness shall be incurred and such bonds issued. Such proposition to be effective must be authorized by an affirmative vote of three-fifths of the

electors within the district voting at a general or special election to be held for the purpose of authorizing such indebtedness and bond issue at which election the number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in such taxing district at the last preceding general election. If the voters shall so authorize, the district may levy annual taxes in excess of normal legal limitations to pay the principal and interest upon such bonds as they shall become due. The excess levies mentioned in this section or in RCW 84.52.052 or 84.52-.056 may be made notwithstanding anything contained in RCW 27.12.050, 27.12.070 or 27.12.150 or any other statute pertaining to such library districts.

Sec. 4. Section 2, chapter 244, Laws of 1969 ex. sess. and RCW 28.47.801 are each amended to read as follows:

Funds appropriated to the state board of education from the common school construction fund shall be allotted by the state board of education in accordance with the provisions of RCW 28.41.140 and 28.47.800 through 28.47.811: PROVIDED, That no allotment shall be made to a school district for the purpose aforesaid until such district has provided funds for school building construction purposes through the authorization of bonds or through the authorization of excess tax levies or both in an amount equivalent to ~~((ten))~~ two and one-half percent of the value of its taxable ((valuation)) property, as defined in section 1 of this 1970 amendatory act, or such lesser amount as may be required by the state board of education. The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

Sec. 5. Section 2, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.801 are each amended to read as follows:

Funds appropriated to the state board of education from the common school construction fund shall be allotted by the state board

of education in accordance with the provisions of RCW 28A.41.140 and 28A.47.800 through 28A.47.811: PROVIDED, That no allotment shall be made to a school district for the purpose aforesaid until such district has provided funds for school building construction purposes through the authorization of bonds or through the authorization of excess tax levies or both in an amount equivalent to ~~((ten))~~ two and one-half percent of the value of its taxable ~~((valuation))~~ property, as defined in section 1 of this 1970 amendatory act, or such lesser amount as may be required by the state board of education. The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

Sec. 6. Section 1, page 324, Laws of 1909 as last amended by section 1, chapter 142, Laws of 1969 and RCW 28.51.010 are each amended to read as follows:

The board of directors of any school district may borrow money and issue negotiable coupon bonds therefor for the purpose of:

(1) Funding outstanding indebtedness or bonds theretofore issued; or

(2) For the purchase of sites for all buildings, playgrounds, physical education and athletic facilities and structures authorized by law or necessary or proper to carry out the functions of a school district; or

(3) For erecting all buildings authorized by law, including but not limited to those mentioned in subparagraph (2) immediately above or necessary or proper to carry out the functions of a school district, and providing the necessary furniture, apparatus, or equipment therefor; or

(4) For any or all of these purposes.

Neither the amount of money borrowed nor bonds issued therefor shall exceed ~~((five-percent-of-the-value-of-the-taxable-property-in such-district,-as-ascertained-by-the-last-assessment-roll-for-county~~

~~and state purposes previous to the incurring of such indebtedness, except that in cities incorporated under special charter the ascertainment shall be made from the last assessment for city purposes. PROVIDED, That any school district may become indebted to a larger amount but not exceeding an additional five percent of actual value, determined as herein provided for capital outlays)~~ the limitation of indebtedness prescribed by chapter 39.36 RCW, as now or hereafter amended.

Bonds may be issued only when authorized by the vote of the qualified electors of the district as provided by law.

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

Sec. 7. Section 28A.51.010, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 142, Laws of 1969 and RCW 28A.51.010 are each amended to read as follows:

The board of directors of any school district may borrow money and issue negotiable coupon bonds therefor for the purpose of:

- (1) Funding outstanding indebtedness or bonds theretofore issued; or
- (2) For the purchase of sites for all buildings, playgrounds, physical education and athletic facilities and structures authorized by law or necessary or proper to carry out the functions of a school district; or
- (3) For erecting all buildings authorized by law, including but not limited to those mentioned in subparagraph (2) immediately above or necessary or proper to carry out the functions of a school district, and providing the necessary furniture, apparatus, or equipment therefor; or
- (4) For any or all of these purposes.

Neither the amount of money borrowed nor bonds issued therefor shall exceed (~~five percent of the value of the taxable property in~~

~~such district as ascertained by the last assessment roll for county and state purposes previous to the incurring of such indebtedness, except that in cities incorporated under special charter the ascertainment shall be made from the last assessment for city purposes. PROVIDED, That any school district may become indebted to a larger amount but not exceeding an additional five percent of actual value, determined as herein provided for capital outlays)~~ the limitation of indebtedness prescribed by chapter 39.36 RCW, as now or hereafter amended.

Bonds may be issued only when authorized by the vote of the qualified electors of the district as provided by law.

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

Sec. 8. Section 2, page 324, Laws of 1909 and RCW 28.51.020 are each amended to read as follows:

The question whether bonds shall be issued, as provided in RCW 28.51.010, shall be determined at an election to be held in the manner prescribed by law for holding annual school elections. Notice therefor shall state the amount of bonds proposed to be issued, time they are to run, and purpose for which the money is to be used. The ballots must contain the words "Bonds, yes," or "Bonds, no." If a majority of the votes cast at such election are "Bonds, yes," the board of directors must issue such bonds: PROVIDED, That if the amount of bonds to be issued, together with any outstanding indebtedness of the district, exceeds ~~((one-and-one-half))~~ three-eighths of one percent of the value of the taxable property in said district, as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, then three-fifths of the votes cast at such election must be "Bonds, yes," before the board of directors are authorized to issue said bonds. The bonds shall be in such form as the board of directors may prescribe, and shall, with the coupons, be

signed by the board of directors and countersigned by the clerk of the school district: PROVIDED, That in school districts of the first class said bonds with the coupons, shall be signed in the corporate name of the district by the president of the board of directors thereof and attested by the secretary of the board, except that said coupons may bear the lithograph signatures, only, of the said president and secretary; in districts of the first class the corporate seal of the said district shall be affixed to each bond by the secretary thereof.

Sec. 9. Section 28A.51.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.020 are each amended to read as follows:

The question whether the bonds shall be issued, as provided in RCW 28A.51.010, shall be determined at an election to be held in the manner prescribed by law for holding annual school elections. Notice therefor to be given in such manner as provided in RCW 29.27.080 shall state the amount of bonds proposed to be issued, time they are to run, and the purpose for which the money is to be used. The ballots must contain the words "Bonds, yes," or "Bonds, no." If a majority of the votes cast at such election are "Bonds, yes," the board of directors must issue such bonds: PROVIDED, That if the amount of bonds to be issued, together with any outstanding indebtedness of the district, exceeds (~~one-and-one-half~~) three-eighths of one percent of the value of the taxable property in said district, as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, then three-fifths of the votes cast at such election must be "Bonds, yes," before the board of directors is authorized to issue said bonds. Except as otherwise provided for facsimile signatures on bonds and coupons in chapter 39.44 RCW, or as otherwise in this chapter provided, bonds with the coupons shall be signed in the corporate name of the district by the president or chairman of the board of directors thereof and attested by the school district superintendent as secretary of the board. In districts of the first class the corporate seal of the said district shall be affixed to

each bond by the school district superintendent thereof.

Sec. 10. Section 1, chapter 62, Laws of 1965 and RCW 28.58-.550 are each amended to read as follows:

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))~~ the limitation authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without the assent of the voters: 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))~~ the limitation authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without the assent of the voters, 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.

Sec. 11. Section 28A.58.550, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.550 are each amended to read as follows:

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~~) the limitation authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without the assent of the voters: 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~~) the limitation authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without the assent of the voters, a proposition in regard to whether or not such a contract may be executed shall be submitted to the voters for approval or rejection in the same manner that bond issues for capital purposes are submitted to the voters: PROVIDED FURTHER, That any school district may jointly with another school district execute contracts authorized by this section.

Sec. 12. Section 35.37.040, chapter 7, Laws of 1965 and RCW 35.37.040 are each amended to read as follows:

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~~) value of the taxable property in the city or town (~~as-ascertained-by-the-last-preceding-assessment-for-city-or-town-purposes~~), as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, 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.

Sec. 13. Section 35.58.450, chapter 7, Laws of 1965 as last amended by section 1, chapter ... (HB...), Laws of 1970 1st ex. sess. and RCW 35.58.450 are each amended to read as follows:

Notwithstanding the limitations of chapter 39.36 RCW and any other statutory limitations otherwise applicable and limiting municipal debt, a metropolitan municipal corporation shall have the power to authorize and to issue general obligation bonds and to pledge the full faith and credit of the corporation to the payment thereof, for any authorized capital purpose of the metropolitan municipal corporation: PROVIDED, That a proposition authorizing the issuance of any such bonds to be issued in excess of ~~((one-and-one-half))~~ three-fourths of one percent of the ~~((actual))~~ value of the taxable property therein ~~((as-ascertained-by-the-last-assessment-for-state-and-county-purposes-previous-to-the-incurring-of-such-indebtedness))~~, as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, shall have been submitted to the electors of the metropolitan municipal corporation at a special election and assented to by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of votes cast within the area of said metropolitan municipal corporation at the last preceding state general election. Such general obligation bonds may be authorized in any total amount in one or more propositions and the amount of such authorization may exceed the amount of bonds which could then lawfully be issued. Such bonds may be issued in one or more series from time to time out of such authorization but at no time shall the total general indebtedness of the metropolitan municipal corporation exceed five percent of the ~~((actual))~~ value of the taxable property therein ~~((to-be-ascertained-by-the-last-assessment-for~~

~~state-and-county-purposes-previous-to-the-incurrence-of-such-indebted-~~
~~ness))~~ , as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act. Both principal of and interest on such general obligation bonds shall be payable from annual tax levies to be made upon all the taxable property within the metropolitan municipal corporation in excess of the forty mill tax limit and may also be made payable from any other taxes or any special assessments which the metropolitan municipal corporation may be authorized to levy and from any otherwise unpledged revenue which may be derived from the ownership or operation of properties or facilities incident to the performance of the authorized function for which such bonds are issued. The metropolitan council may include in the principal amount of such bond issue an amount for engineering, architectural, planning, financial, legal, urban design and other services incident to acquisition or construction solely for authorized capital purposes and may include an amount to establish a guaranty fund for revenue bonds issued solely for capital purposes.

General obligation bonds shall bear interest at a rate of not to exceed eight percent per annum and shall mature in not to exceed forty years from the date of issue. The various annual maturities shall commence not more than five years from the date of issue of the bonds and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies.

Such bonds shall be signed by the chairman and attested by the secretary of the metropolitan council, one of which signatures may be a facsimile signature and the seal of the metropolitan corporation shall be impressed or imprinted thereon. Each of the interest coupons shall be signed by the facsimile signatures of said officials. General obligation bonds shall be sold at public sale as provided by law for sale of general obligation bonds of cities of the first class and at a price not less than par and accrued interest.

Sec. 14. Section 35.61.100, chapter 7, Laws of 1965 and RCW 35.61.100 are each amended to read as follows:

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))~~ three-fortieths of one percent of the value of the taxable property in such metropolitan park district, as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act. ~~((The-taxable property-shall-be-ascertained-by-the-last-assessment-for-state-and county-purposes-previous-to-the-incurring-of-such-indebtedness.))~~

Sec. 15. Section 35.61.110, chapter 7, Laws of 1965 and RCW 35.61.110 are each amended to read as follows:

Every metropolitan park district may contract indebtedness in excess of ~~((three-twentieths))~~ three-fortieths of one percent of the value of the taxable property but not exceeding in amount, together with existing indebtedness, ~~((five))~~ two and one-half percent of the value of the taxable property in said district, as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, 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.

Sec. 16. Section 35A.40.090, chapter 119, Laws of 1967 ex.sess. and RCW 35A.40.090 are each amended to read as follows:

No code city shall incur an indebtedness exceeding ~~((one-and one-half))~~ three-fourths of one percent of the ~~((assessed-valuation))~~ value of the taxable property in such city without the assent of three-fifths of the voters therein voting at an election to be held for that purpose nor, with such assent, to exceed ~~((five))~~ two and

one-half percent ((~~one~~) of the value of the taxable property therein ((~~being twice the assessed valuation~~)-as-ascertained-by-the-last completed-and-balanced-tax-rolls-of-such-city)) except as otherwise provided in chapter 39.36 RCW and subject to the provisions of this chapter and shall have the authority and be subject to the limitations provided in RCW 84.52.050 relating to levy of taxes within the forty mill limit. The term "value of the taxable property" shall have the meaning set forth in section 1 of this 1970 amendatory act.

Sec. 17. Section 36.67.010, chapter 4, Laws of 1963 and RCW 36.67.010 are each amended to read as follows:

A county through its board of county commissioners may contract indebtedness for general county purposes, not exceeding in amount, together with the existing indebtedness of the county, ((~~one and one-half~~)) three-fourths of one percent ((~~of the last assessed valuation~~)) of the value of the taxable property in such county, ((~~to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness~~)) as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act.

Sec. 18. Section 36.67.020, chapter 4, Laws of 1963 as amended by section 2, chapter 107, Laws of 1967 and RCW 36.67.020 are each amended to read as follows:

A county may contract indebtedness for strictly county purposes in excess of the amount named in RCW 36.67.010, but not exceeding in amount, together with the existing indebtedness, ((~~five~~)) two and one-half percent ((~~one~~) of the value of the taxable property therein ((~~being twice the assessed valuation~~),-to-be-ascertained as-provided-in-RCW-36.67.010)), as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, whenever three-fifths of the voters of the county assent thereto, at an election to be held for that purpose, consistent with the general election laws, which election may be either a special or general election.

Sec. 19. Section 13, chapter 218, Laws of 1963 and RCW 36.68-.520 are each amended to read as follows:

A service area shall not have power to levy an annual authorized levy, but it shall have the power to levy a tax upon the property included within the service district in the manner prescribed for cities for the purpose of exceeding the limitations established by section 2, Article 7 as amended by Amendment 17 of the Constitution and by RCW 84.52.052.

The special voted levy may be either for operating fund or for capital outlay, or for a cumulative reserve fund.

A service area may issue general obligations bonds for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness, equal to ~~((one-and-one-half))~~ three-eighths of one percent of the ~~((assessed-valuation))~~ value of the taxable property within the district, and may provide for the retirement thereof by levies in excess of millage in accordance with the provisions of RCW 84.52.056: PROVIDED, That such districts may issue bonds equal to ~~((five))~~ two and one-half percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, when such bonds are approved by the voters of the district at a special election called for the purpose.

Sec. 20. Section 36.69.140, chapter 4, Laws of 1963 as last amended by section 5, chapter 26, Laws of 1969 and RCW 36.69.140 are each amended to read as follows:

A park and recreation district shall not have power to levy an annual authorized levy, but it shall have the power to levy a tax upon the property included within the district, in the manner prescribed for cities for the purpose of exceeding the limitations established by Article VII, section 2, as amended by Amendment 17, of the Constitution and by RCW 84.52.052. Such special, voted levy may be either for operating funds or for capital outlay, or for a cumulative reserve fund. A park and recreation district may issue gen-

eral obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness equal to ~~((one-and-one-half))~~ three-eighths of one percent of the ~~((assessed-valuation))~~ value of the taxable property within such district, as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, and may provide for the retirement thereof by levies in excess of millage limitations in accordance with the provisions of RCW 84.52.056.

Sec. 21. Section 36.76.010, chapter 4, Laws of 1963 as amended by section 72, chapter 232, Laws of 1969 ex. sess. and RCW 36-.76.010 are each amended to read as follows:

The board of any county may, whenever a majority thereof so decides, submit to the voters of their county the question whether the board shall be authorized to issue coupon bonds in an amount not exceeding ~~((five))~~ one and one-fourth percent of the ~~((assessed-valuation))~~ value of the taxable property in the county, as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, bearing a rate of interest not exceeding eight percent per year, and payable and redeemable at a time fixed by the board, for the purpose of making a new road or roads, or bridge or bridges, or improving established roads or bridges within the county.

Sec. 22. Section 36.76.080, chapter 4, Laws of 1963 and RCW 36.76.080 are each amended to read as follows:

The board of any county may, whenever a majority thereof so decides, submit to the voters of their county the question whether the board shall be authorized to issue negotiable coupon road bonds of the county in an amount not exceeding ~~((five))~~ one and one-fourth percent of the ~~((assessed-valuation))~~ value of the taxable property in the county, as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, for the purpose of constructing a new road or roads, or improving established roads within the county, or for aiding in so doing, as herein prescribed.

The word "improvement" wherever used in this act shall embrace

any undertaking for any or all of such purposes. The word "road" shall embrace all highways, roads, streets, avenues, bridges, and other public ways.

The provisions of this act shall apply not only to roads which are or shall be under the general control of the county, but also to all parts of state roads in such county and to all roads which are situated or are to be constructed wholly or partly within the limits of any incorporated city or town therein, provided the board of county commissioners finds that they form or will become a part of the public highway system of the county, and will connect the existing roads therein. Such finding may be made by the board of county commissioners at any stage of the proceedings before the actual delivery of the bonds.

The constructing or improving of any and all such roads, or the aiding therein, is declared to be a county purpose.

The question of the issuance of bonds for any undertaking which relates to a number of different roads or parts thereof, whether intended to supply the whole expenditure or to aid therein, may be submitted to the voters as a single proposition in all cases where such course is consistent with the provisions of the state Constitution. If the county commissioners, in submitting a proposition relating to different roads or parts thereof, find that such proposition has for its object the furtherance and accomplishment of the construction of a system of public and county highways in such county, and constitutes and has for its object a single purpose, such finding shall be presumed to be correct, and upon the issuance of the bonds the presumption shall become conclusive.

No proposition for bonds shall be submitted which proposes that more than forty percent of the proceeds thereof shall be expended within any city or town or within any number of cities and towns.

Sec. 23. Section 2, chapter 4, Laws of 1917 and RCW 37.16-.010 are each amended to read as follows:

Whenever the secretary of war shall agree, on behalf of the

federal government, to establish in any county now or hereafter organized in this state a permanent mobilization, training and supply station for any or all such military purposes as are now or may be then or thereafter authorized or provided by or under federal law, on condition that land in such county aggregating approximately a designated number of acres at such location or locations as may have been or thereafter be from time to time selected or approved by the secretary of war, be conveyed to the United States, with the consent of the state of Washington, free from cost to the United States, and the board of county commissioners of such county shall adjudge that it is desirable and for the general welfare and benefit of the people of the county and for the interest of the county to incur an indebtedness in an amount sufficient to acquire land in such county aggregating approximately the number of acres so designated at such location or locations as have been theretofore or may be thereafter selected or approved by the secretary of war, and convey all of such lands to the United States to be used by the United States for any or all such military purposes, including supply stations, the mobilization, disciplining and training of the United States army, state militia and other military organizations as are now or may be then or thereafter authorized or provided by or under federal law, such county is hereby authorized and empowered by and through its board of county commissioners to contract indebtedness for such purposes in any amount not exceeding, together with the existing indebtedness of such county, ~~((five))~~ two and one-half percent of the value of the taxable property of such county, ((to-be-ascertained-by-the-last-assessment-for-state-and-county-purposes-previous-to-the-incurring-of-such-indebtedness)) as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, whenever three-fifths of the voters of such county, voting on the question assent thereto at an election to be held for that purpose consistent with the general election laws, which election may be a special or general election: PROVIDED, That if the election be a special election notice thereof

shall be given and the question submitted as provided in section 4801 of Remington & Ballinger's Codes and Statutes of Washington [1919 c 163 § 14, RRS § 5174] and in section 4890 of 3rd Remington & Ballinger's Codes and Statutes of Washington [RCW 29.27.060].

Sec. 24. Section 3, chapter 4, Laws of 1917 as amended by section 74, chapter 232, Laws of 1969 ex. sess. and RCW 37.16.020 are each amended to read as follows:

Whenever the board of county commissioners of any county shall submit to the voters of such county at an election to be held under the provisions of RCW 37.16.010, the question of issuing bonds to procure money for such purposes and three-fifths of the voters of such county voting on the question have assented thereto, and the amount of such bonds, together with the already existing indebtedness will not exceed (~~five~~) two and one-half percent of the value of the taxable property of such county, (~~to be ascertained as provided in RCW-37.16.010~~) as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, then the board of county commissioners of such county is authorized and empowered to issue its negotiable bonds in the name of the county for the purposes for which such election was held. It being hereby declared that such purposes are purposes for which, under legislative authority, the county availing itself of the provisions of this chapter may lawfully incur indebtedness. Such bonds to be negotiable bonds of such county, payable in not more than twenty years, with interest not exceeding eight percent per annum, payable annually.

Sec. 25. Section 4, chapter 107, Laws of 1937 and RCW 39.28-.030 are each amended to read as follows:

The powers conferred by RCW 39.28.010 through 39.28.030 shall be in addition and supplemental to and not in substitution for the powers now or hereafter conferred upon any municipality by any other law. RCW 39.28.010 through 39.28.030 is intended to aid in relieving the existing emergency by simplifying the procedure for the construction and financing of public works projects. RCW 39.28.010 through

39.28.030 is remedial in nature and the powers hereby granted shall be liberally construed. Nothing in RCW 39.28.010 through 39.28.030 shall be construed to authorize the issuance of bonds for any purpose by any municipality not authorized to issue bonds for such purpose under any other law heretofore or hereafter enacted, nor to dispense with the approval by a state department, board, officer or commission of a public works project where such approval is necessary under provisions of existing law: PROVIDED, That any port district which is now indebted in an amount equal to or in excess of the indebtedness which may be contracted without a vote of the electors of the district is hereby authorized, for the purposes of RCW 39.28.010 through 39.28.030, through its governing body, to contract a further indebtedness and borrow money for port purposes and issue general bonds therefor, as in RCW 39.28.010 through 39.28.030 provided, in an additional amount not exceeding (~~three-fourths~~) three-sixteenths of one percent of the (~~assessed~~) value of the taxable property in the district, as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, without the assent of the voters of the district: PROVIDED, FURTHER, That such additional indebtedness together with the existing indebtedness of such port district shall not exceed the total indebtedness permitted to be incurred by such port district under existing laws.

Sec. 26. Section 1, chapter 158, Laws of 1961 as amended by section 1, chapter 92, Laws of 1963 and RCW 39.30.010 are each amended to read as follows:

Any city or town or metropolitan park district or county or library district may execute an executory conditional sales contract with a county or counties, 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))~~ three-fourths of one percent of the value of the taxable property in such city or town or metropolitan park district or county or library district: PROVIDED, That if such a proposed contract would result in a total indebtedness in excess of ~~((one-and-one-half))~~ three-fourths of one percent of the value of the taxable property of such city or town or metropolitan park district or county or library 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 city or town or metropolitan park district or county or library district may jointly execute contracts authorized by this section, if the entire amount of the purchase price does not result in a joint total indebtedness in excess of ~~((one-and-one-half))~~ three-fourths of one percent of the value of the taxable property in such city or town or metropolitan park district or county or library district. The term "value of the taxable property" shall have the meaning set forth in section 1 of this 1970 amendatory act.

Sec. 27. Section 1, chapter 143, Laws of 1917 as last amended by section 3, chapter 142, Laws of 1969 and RCW 39.36.020 are each amended to read as follows:

(1) Except as otherwise expressly provided by law or in subsections (2), (3) and (4) of this section, no taxing district shall for any purpose become indebted in any manner to an amount exceeding ~~((one-and-one-half))~~ three-eighths of one percent of the value of the taxable property in such taxing district ~~((to-be-ascertained-as-set-forth-in-this-subsection-(17)))~~ without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness incurred at any time exceed ~~((five))~~ one and one-fourth percent on the value of the taxable property therein ~~((as-ascertained-by-the-last-assessment-for-state-and-county-purposes-previous-to-the-incur-~~

~~ring-of-such-indebtedness-except-that-in-incorporated-cities-the-assessment-shall-be-taken-from-the-last-assessment-for-city-purposes).~~

(2) Counties, cities and towns are limited to an indebtedness amount not exceeding three-fourths of one percent of the value of the taxable property in such counties, cities or towns without the assent of three-fifths of the voters therein voting at an election held for that purpose. In cases requiring such assent counties, cities and towns are limited to a total indebtedness of two and one-half percent of the value of the taxable property therein.

(3) School districts and public hospital districts are limited to an indebtedness amount not exceeding three-eighths of one percent of the value of the taxable property in such district without the assent of three-fifths of the voters therein voting at an election held for that purpose. In cases requiring such assent school districts and public hospital districts are limited to a total indebtedness of two and one-half percent of the value of the taxable property therein.

~~((2))~~ (4) No part of the indebtedness allowed in this chapter shall be incurred for any purpose other than strictly county, city, town, school district, township, port district, metropolitan park district, or other municipal purposes: PROVIDED, That a city or town, with such assent, may become indebted to a larger amount, but not exceeding ~~((five))~~ two and one-half percent additional, determined as herein provided, for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city or town: PROVIDED FURTHER, That any school district may become indebted to a larger amount but not exceeding ~~((five))~~ two and one-half percent additional for capital outlays.

~~((3))~~ (5) Such indebtedness may be authorized in any total amount in one or more propositions and the amount of such authorization may exceed the amount of indebtedness which could then lawfully be incurred. Such indebtedness may be incurred in one or more series

of bonds from time to time out of such authorization but at no time shall the total general indebtedness of any taxing district exceed the above limitation.

The term "value of the taxable property" as used in this section shall have the meaning set forth in section 1 of this 1970 amendatory act.

Sec. 28. Section 31, chapter 181, Laws of 1961 and RCW 47.57-.530 are each amended to read as follows:

For the purpose of providing financial assistance to a toll facility as requested by a toll bridge authority resolution, the district may authorize and issue general obligation bonds not to exceed an amount equal to ~~((two))~~ one-half of one percent of the ~~((assessed-valuation))~~ value of the taxable property with*[within] the district, as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act. Issuance of such bonds shall be authorized at an election which shall provide for the payment of the principal and interest of such bonds by annual levies in excess of the forty mill tax limitation provided by law. The proposition to issue any such bonds and to exceed the tax limitation must receive the affirmative vote of a three-fifths majority of those voting on the proposition and the total number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in the area of the district at the last preceding general election.

Sec. 29. Section 1, chapter 21, Laws of 1965 and RCW 52.08-.080 are each amended to read as follows:

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~~) three-eighths of one percent of the (~~assessed-valuation~~) value of the taxable property 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~~) three-eighths of one percent of the (~~assessed-valuation~~) value of the taxable property 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.

The term "value of the taxable property" shall have the meaning set forth in section 1 of this 1970 amendatory act.

Sec. 30. Section 3, chapter 24, Laws of 1951 2nd ex. sess. as amended by section 4, chapter 176, Laws of 1953 and RCW 52.16.080 are each amended to read as follows:

Fire protection districts are hereby authorized to incur general indebtedness for capital purposes which shall include replacements of equipment which may be damaged or lost and for the purpose of refunding outstanding coupon warrants issued for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness, equal to (~~three~~) three-fourths of one percent of the (~~assessed-valuation~~) value of the taxable property within such district, as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, and to issue general obligation bonds evidencing such indebtedness on the terms and provisions hereinafter set forth, the principal and interest thereof to be payable from annual tax levies to be made in excess of the forty mill tax limitation.

Sec. 31. Section 4, chapter 65, Laws of 1955 and RCW 53.08-.030 are each amended to read as follows:

A district may apply to the United States for permission to establish, operate, and maintain foreign trade zones within the dis-

trict: PROVIDED, That when the money so raised is to be used exclusively for the purpose of acquiring land for sites and constructing warehouses, storage plants, and other facilities to be constructed within the zone for use in the operation and maintenance of the zones, the district may contract indebtedness and issue general bonds therefor in an amount, in addition to the ~~((three))~~ three-fourths of one percent hereinafter fixed, of ~~((two))~~ one percent of the value of the taxable property in the district ~~((to-be-ascertained-by-the-last-assessment-for-state-and-county-purposes))~~, as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, such additional indebtedness only to be incurred with the assent of three-fifths of the voters of the district voting thereon.

Sec. 32. Section 12, chapter 65, Laws of 1955 as last amended by section 1, chapter 54, Laws of 1965 ex. sess. and RCW 53.36.030 are each amended to read as follows:

A district may at any time contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor not exceeding an amount, together with any existing indebtedness of the district not authorized by the voters, of one-fourth of one percent of the ~~((assessed))~~ value of the taxable property in the district ~~((,to-be-ascertained-by-the-last-assessment-for-state-and-county-purposes-previous-to-incurring-the-indebtedness))~~; and, with the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, may contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor provided the total indebtedness of the district at any such time shall not exceed ~~((three))~~ three-fourths of one percent of the ~~((assessed-valuation))~~ value of the taxable property in the district ~~((to-be-ascertained-as-hereinabove-provided))~~: PROVIDED FURTHER, That port districts having less than ~~((fifty))~~ two hundred million dollars ~~((of-assessed-valuation))~~ in value of taxable property and operating a municipal airport may at any time contract indebtedness or borrow money for airport capital improvement purposes

and may issue general obligation bonds therefor not exceeding an additional ~~((one-half))~~ one-eighth of one percent of the ~~((assessed))~~ value of the taxable property in the district without authorization by the voters ~~((to-be-ascertained-as-hereinabove-provided))~~; and, with the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, may contract indebtedness or borrow money for airport capital improvement purposes and may issue general obligation bonds therefor for an additional ~~((one-and-one-half))~~ three-eighths of one percent provided the total indebtedness of the district for all port purposes at any such time shall not exceed ~~((five))~~ one and one-fourth percent of the ~~((assessed))~~ value of the taxable property in the district ~~((to-be-ascertained-as-hereinabove-provided))~~. Any district may issue general district bonds evidencing any indebtedness, payable at any time not exceeding fifty years from the date of the bonds.

The term "value of the taxable property" shall have the meaning set forth in section 1 of this 1970 amendatory act.

Sec. 33. Section 7, chapter 1, Laws of 1931 as amended by section 14, chapter 232, Laws of 1969 ex. sess. and RCW 54.24.018 are each amended to read as follows:

Whenever the commission shall deem it advisable that the public utility district purchase, purchase and condemn, acquire, or construct any such public utility, or make any additions or betterments thereto, or extensions thereof, the commission shall provide therefor by resolution, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as near as may be, and specify whether general or utility indebtedness is to be incurred, the amount of such indebtedness, the amount of interest and the time in which all general bonds (if any) shall be paid, not to exceed thirty years. In the event the proposed general indebtedness to be incurred will bring the indebtedness of the public utility district to an amount exceeding ~~((one-and-one-half))~~ three-fourths of one percent of the value of the taxable property of the public utility, dis-

trict, as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, the proposition of incurring such indebtedness and the proposed plan or system shall be submitted to the qualified electors of said public utility district for their assent at the next general election held in such public utility district.

Whenever the commission (or a majority of the qualified voters of such public utility district, voting at said election, when it is necessary to submit the same to said voters) shall have adopted a system or plan for any such public utility, as aforesaid, and shall have authorized indebtedness therefor by a three-fifths vote of the qualified voters of such district, voting at said election, general or public utility bonds may be used as hereinafter provided. Said general bonds shall be serial in form and maturity and numbered from one upwards consecutively. The various annual maturities shall commence not later than the tenth year after the date of issue of such bonds. The resolution authorizing the issuance of the bonds shall fix the rate of interest the bonds shall bear, said interest not to exceed eight percent, and the place and date of the payment of both principal and interest. The bonds shall be signed by the president of the commission, attested by the secretary of the commission, and the seal of the public utility district shall be affixed to each bond but not to the coupon: PROVIDED, HOWEVER, That said coupon, in lieu of being so signed, may have printed thereon a facsimile of the signature of such officers. The principal and interest of such general bonds shall be paid from the revenue of such public utility district after deducting costs of maintenance, operation, and expenses of the public utility district, and any deficit in the payment of principal and interest of said general bonds shall be paid by levying each year a tax upon the taxable property within said district sufficient to pay said interest and principal of said bonds, which tax shall be due and collectible as any other tax. Said bonds shall be sold in such manner as the commission shall deem for the best interest of the dis-

tract. All bonds and warrants issued under the authority of this act shall be legal securities, which may be used by any bank or trust company for deposit with the state treasurer, or any county or city treasurer, as security for deposits, in lieu of a surety bond, under any law relating to deposits of public moneys. When the commission shall not desire to incur a general indebtedness in the purchase, condemnation and purchase, acquisition, or construction of any such public utility, or addition or betterment thereto, or extension thereof, it shall have the power to create a special fund or funds for the sole purpose of defraying the cost of such public utility, or addition or betterment thereto, or extension thereof, into which special fund or funds it may obligate and bind the district to set aside and pay a fixed proportion of the gross revenues of such public utility, or any fixed amount out of, and not exceeding a fixed proportion of, such revenues, or a fixed amount without regard to any fixed proportion, and to issue and sell bonds or warrants bearing interest not exceeding eight percent per annum, payable semiannually, executed in such manner, and payable at such times and places as the commission shall determine, but such bonds or warrants and the interest thereon, shall be payable only out of such special fund or funds. In creating any such special fund or funds, the commission shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenues previously pledged as a fund for the payment of bonds or warrants, and shall not set aside into such special fund or funds a greater amount or proportion of the revenues and proceeds than, in its judgment, will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenues so previously pledged. Any such bonds or warrants, and interest thereon, issued against any such fund, as herein provided, shall be a valid claim of the holder thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such dis-

trict within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state on its face that it is payable from a special fund, naming such fund and the resolution creating it. Said bonds and warrants shall be sold in such manner as the commission shall deem for the best interests of the district, and the commission may provide in any contract for the construction and acquisition of a proposed improvement or utility that payment therefor shall be made only in such bonds or warrants at the par value thereof. In all other respects, the issuance of such utility bonds or warrants and payment therefor shall be governed by the public utility laws for cities and towns.

Sec. 34. Section 42, chapter 210, Laws of 1941 as amended by section 15, chapter 140, Laws of 1945 and RCW 56.16.050 are each amended to read as follows:

Each and every sewer district hereafter to be organized pursuant to this title, or reorganized under this amendment [1945 c 140], may contract indebtedness pursuant to the provisions of RCW 56.16-.040, but not exceeding in amount, together with existing indebtedness (~~(five)~~) two and one-half percent of the value of the taxable property in said district, (~~(to be ascertained by the last assessment for state and county purposes)~~) as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, whenever three-fifths of the voters voting at said election in such sewer district assent thereto, at an election to be held in said sewer district in the manner provided by this title, which election may either be a special or a general election, and the board of sewer commissioners are hereby authorized and empowered to submit the question of incurring such indebtedness, and issuing negotiable bonds of such sewer district to the qualified voters of such sewer district at any time they may so order. All bonds so to be issued shall be subject to the provisions regarding bonds as set out in RCW 56.16.040.

Sec. 35. Section 19, chapter 114, Laws of 1929 and RCW 57.20-.110 are each amended to read as follows:

Each and every water district that may hereafter be organized pursuant to this act is hereby authorized and empowered by and through its board of water commissioners to contract indebtedness for water purposes, and the maintenance thereof not exceeding one-half of one percent of the value of the taxable property in such water district ~~((to-be-ascertained-by-the-last-assessment-for-state-and-county-purposes-previous-to-and-the-incurring-of-such-indebtedness))~~, as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act.

Sec. 36. Section 20, chapter 114, Laws of 1929 and RCW 57.20-.120 are each amended to read as follows:

Each and every water district hereafter to be organized pursuant to this act, may contract indebtedness in excess of the amount named in RCW 57.20.110, but not exceeding in amount, together with existing indebtedness, ~~((five))~~ two and one-half percent of the value of the taxable property in said district, ((to-be-ascertained-as-provided-in-RCW-57.20.110)) as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, whenever three-fifths of the voters voting at said election in such water district assent thereto, at an election to be held in said water district in the manner provided by this act, which election may either be a special or a general election, and the board of water commissioners are hereby authorized and empowered to submit the question of incurring such indebtedness, and issuing negotiable bonds of such water district to the qualified voters of such water district at any time they may so order: PROVIDED, That all bonds so to be issued shall be subject to the provisions regarding bonds as set out in RCW 57.20.010.

Sec. 37. Section 1, chapter 3, Laws of 1911 and RCW 88.32.230 are each amended to read as follows:

Whenever the board of county commissioners of any county of the first class of this state shall deem it for the interest of the county to engage in or to aid the United States of America, the state of Washington, or any adjoining county or any city of this state, or

any of them, in construction, enlargement, improvement, modification, repair or operation of any harbor, canal, waterway, river channel, slip, dock, wharf, or other public improvement, or any of the same, for the purposes of commerce, navigation, sanitation and drainage, or any thereof, or to acquire or operate wharf sites, dock sites, or other properties, rights or interests, or any thereof, necessary or proper to be acquired or operated for public enjoyment of any such public improvement, and to incur indebtedness to meet the cost thereof and expenses connected therewith, and issue bonds of the county for the payment of such indebtedness, or any thereof, such county is hereby authorized and empowered, by and through its county commissioners, to engage in or aid in any such public work or works, operation or acquisition, as aforesaid, and to incur indebtedness for such purpose or purposes to an amount, which, together with the then existing indebtedness of such county, shall not exceed ~~((five))~~ two and one-half percent of the ~~((taxable))~~ value of the taxable property in said county, ~~((as-shown-by-the-last-previous-assessment-roll-thereof-for-state-and-county-purposes))~~ as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, and to issue the negotiable bonds of the county for all or any of such indebtedness and for the payment thereof, in the manner and form and as provided in sections 1846 to 1851, inclusive, of Ballinger's Annotated Codes and Statutes of Washington, and other laws of this state which shall then be in force, and to make part or all of such payment in bonds or in moneys derived from sale or sales thereof, or partly in such bonds and partly in such money: PROVIDED, That said commissioners shall have first submitted the question of incurring such indebtedness to the voters of the county at a general or special election, and three-fifths of the voters voting upon the question shall have voted in favor of incurring the same.

Sec. 38. Section 134, chapter 254, Laws of 1927 and RCW 89-.30.400 are each amended to read as follows:

Reclamation districts created under the provisions of this

chapter are hereby authorized and empowered to contract indebtedness for district purposes in any manner, when they deem it advisable, not exceeding an amount, together with the existing indebtedness of such district, of ~~((one-and-one-half))~~ three-fourths of one percent of the value of the taxable property in such district ~~((to-be-ascertained-by-the-last-assessment-for-state-and-county-purposes-previous-to-the-incurring-of-such-indebtedness))~~, as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act.

Sec. 39. Section 135, chapter 254, Laws of 1927 and RCW 89-.30.403 are each amended to read as follows:

Such reclamation districts may contract indebtedness for strictly district purposes in excess of the amount specified in the preceding section, but not exceeding in amount, together with existing indebtedness, ~~((five))~~ two and one-half percent of the value of the taxable property, ~~((to-be-ascertained-as-in-the-last-preceding-section))~~ as the term "value of the taxable property" is defined in section 1 of this 1970 amendatory act, whenever three-fifths of the voters therein voting at an election held for that purpose assent thereto.

Sec. 40. Section 16, chapter 26, Laws of 1965 as amended by section 8, chapter 164, Laws of 1967 and RCW 86.05.920 are each amended to read as follows:

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 (except that the tort liability immunity provided for in section 32, chapter 160, Laws of 1935 and RCW 86.05.320 shall no longer apply); 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 and the limitations upon indebtedness incurred after the effective date of this 1970 amendatory act 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.

(3) The limitation upon indebtedness prescribed in repealed section RCW 86.05.380 to an amount not exceeding one and one-half percent of the taxable property in such district without the assent of three-fifths of the voters therein and three percent of such property with such assent shall henceforth be to an amount not exceeding three-fourths of one percent of the value of the taxable property in such district without the assent of three-fifths of the voters therein and one and one-half percent of such property with such assent. The limitation upon indebtedness referred to in repealed section RCW 86.05.720 of one and one-half percent of the taxable property in such district shall henceforth be three-fourths of one percent of the

value of the taxable property in such district. The term "value of the taxable property" as used in this paragraph shall have the meaning set forth in section 1 of this 1970 amendatory act.

NEW SECTION. Sec. 41. If any provision of this 1970 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1970 amendatory act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 42. The effective date of this 1970 amendatory act is November 1, 1970.

Passed the Senate February 9, 1970

Passed the House February 5, 1970

Approved by the Governor February 23, 1970

Filed in Office of Secretary of State February 24, 1970

CHAPTER 43
[Engrossed Senate Bill No. 45]
PUBLIC OFFICIALS, SALARIES--
STATE COMMITTEE ON SALARIES

AN ACT Relating to salaries of certain public officials; amending section 43.03.028, chapter 8, Laws of 1965 as amended by section 1, chapter 19, Laws of 1967 and RCW 43.03.028; amending section 43.03.040, chapter 8, Laws of 1965 and RCW 43.03.040; adding new sections to chapter 8, Laws of 1965 and to chapter 43.03 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. It is hereby declared to be the public policy of this state to base the salaries of public officials on realistic standards in order that such officials may be paid according to the true value of their services and the best qualified citizens may be attracted to public service. It is the purpose of this act to effectuate this policy by utilizing the expert knowledge of citizens having access to pertinent facts concerning proper salaries for public officials, thus removing and dispelling any thought of political consideration in fixing the appropriateness of the amount of such salaries.

Sec. 2. Section 43.03.028, chapter 8, Laws of 1965 as amended by section 1, chapter 19, Laws of 1967 and RCW 43.03.028 are each amended to read as follows:

There is hereby created a committee to be known as the ~~((governor's-advisory))~~ state committee on salaries, to consist of seven members as follows: The ~~((dean-of-the-College-of-Business-Administration))~~ president of the University of ~~((Washington))~~ Puget Sound or his nominee; the ~~((dean-of-the-School-of-Economics-and-Business))~~ president of Washington State University ~~((;))~~ or his nominee; the chairman of the State Personnel Board; the president of the Association of Washington ~~((Industries))~~ Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association, and ~~((one--representative--from--organized--labor))~~ the president of the Washington State Labor Council or his nominee. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

(1) 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, but not later than seventy-five days prior to the convening of the legislature.

(2) The committee shall also make a study of the duties and

salaries of all state elective officials, including members of the supreme, appellate, ((and) superior, and district courts and of the members of the legislature, and also a study of the duties and salaries of county elective officials, 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))~~.

Sec. 3. Section 43.03.040, chapter 8, Laws of 1965 and RCW 43.03.040 are each amended to read as follows:

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.

NEW SECTION. Sec. 4. There is added to chapter 8, Laws of 1965 and to chapter 43.03 RCW a new section to read as follows:

(1) The governor shall include, in the budget next transmitted by him to the legislature after the date of the submission of the report and recommendations of the committee under RCW 43.03.028, his recommendations with respect to the exact annual salaries which he deems advisable for all state elective officials within the purview of RCW 43.03.028. As used in this subsection, the term "budget" means the budget referred to in RCW 43.88.020 (1).

(2) The recommendation of the governor transmitted to the legislature in the budget as to such positions shall be carried forth and included in the appropriation act of the state.

The amount of the salaries for which positions as enacted by

the legislature, in the appropriation bill, shall be the salary that each respective official shall receive.

In the event the governor makes no recommendation, the salary that each such respective official shall receive shall remain the same.

NEW SECTION. Sec. 5. There is added to chapter 8, Laws of 1965 and to chapter 43.03 RCW a new section to read as follows:

(1) The salaries of each official shall become effective at the time the appropriation act shall become law, but only to the extent that:

(a) there has not been enacted into law a statute during the same session which establishes a rate of pay other than that proposed by such recommendation;

(b) the part of the recommendation of the governor as reflected in the appropriation bill for the personnel under RCW 43.03-.028 (1), which are the officials appointed by the governor, may by executive order become operative and effective on a date later than that upon which the appropriation bill otherwise shall take effect.

NEW SECTION. Sec. 6. The salaries of public officials as shown by the appropriation bill shall be printed in the session laws and the Revised Code of Washington under the section caption of "Salaries for Public Officials".

NEW SECTION. Sec. 7. If any provision of this 1970 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances, shall not be affected.

Passed the Senate February 9, 1970
Passed the House February 6, 1970
Approved by the Governor February 23, 1970, with the exception
of section 5 which is vetoed.
Filed in Office of Secretary of State February 24, 1970

NOTE: Governor's explanation of partial veto is as follows:
"...The legislature has created the state committee on salaries, consisting of seven members representing education, business, labor, personnel administration and the professions. The committee is charged with the responsibility of studying the duties and salaries of the directors of

the state departments, judges of the state courts, and public elected officials. Biennially, the committee shall recommend to the governor specific salaries for these officers and employees. Advised of the committee's recommendations, the governor may then recommend appropriate salaries not exceeding the recommendations of the salary committee. The governor's recommendations are to be included in his budget message to the legislature.

The bill expressly requires that the salaries of each public official be published in the session laws and the state code under a special section captioned, "Salaries for State Officials".

I believe that the act will remove salaries of public officials from considerations based solely on politics and is constructive in that it brings to public attention the duties and responsibilities performed by public officials.

The basic responsibility for setting salaries is vested in the legislature under the terms of the state constitution. The bill does not purport to reassign that responsibility.

However, I believe that the bill has one significant defect. Section 5 has been interpreted by some critics of the bill as an authorization to increase salaries of members of the legislature in mid-term. This interpretation would violate the provisions of Article II, section 25 of the state Constitution prohibiting compensation from being changed during the legislator's term. I do not believe this to have been the purpose of the act. Since the remainder of section 5 merely confirms powers already vested by statute in the office of the governor and the inherent power of the legislature, I have vetoed all of the section so that it is clear that the bill does not authorize the legislators to raise their own salaries in mid-term.

Public officers and employees are entitled to salaries commensurate with their duties and responsibilities. The public is entitled to be informed on these salaries and the best interests of all concerned are served if salaries are set in accordance with an orderly procedure and review. This veto does not eliminate any of the advantages to be obtained from the bill. It does remove any possibility of interpreting the statute in an unconstitutional manner.

The remainder of Senate Bill No. 45 is approved."

CHAPTER 44

[Engrossed Substitute Senate Bill No. 55]
FACTORY BUILT HOUSING

AN ACT Relating to factory built housing; providing for promulgation
of rules and regulations governing the structural soundness

thereof and the safety of components therein; adding new sections to chapter 8, Laws of 1965 and to chapter 43.22 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 8, Laws of 1965 and to chapter 43.22 RCW a new section to read as follows:

Whenever used in this act:

(1) "Department" means the Washington state department of labor and industries;

(2) "Approved" means approved by the department;

(3) "Factory built housing" means any structure designed primarily for residential occupancy by human beings other than a mobile home the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site;

(4) "Install" means the assembly of factory built housing at a building site;

(5) "Building site" means any tract, parcel or subdivision of land upon which factory built housing is installed or is to be installed;

(6) "Local enforcement agency" means any agency of the governing body of any city or county which enforces laws or ordinances governing the construction of buildings.

NEW SECTION. Sec. 2. There is added to chapter 8, Laws of 1965 and to chapter 43.22 RCW a new section to read as follows:

No factory built housing shall be installed on a building site in this state after the effective date of the regulations adopted pursuant to section 7, of this act unless it is approved and bears the insignia of approval of the department.

(1) Any factory built housing bearing an insignia of approval of the department shall be deemed to comply with any laws, ordinances or regulations enacted by any city or county or any local enforcement agency which govern the manufacture and construction of factory

built or on-site housing.

(2) No factory built housing which has been approved by the department shall be in any way modified prior to, or during installation by a manufacturer or installer unless approval of such modification is first made by the department.

NEW SECTION. Sec. 3. There is added to chapter 8, Laws of 1965 and to chapter 43.22 RCW a new section to read as follows:

Local land use requirements, building setbacks, side and rear yard requirements, site development and property line requirements, and review and regulation of zoning requirements are specifically reserved to local jurisdictions notwithstanding anything contained in this act.

NEW SECTION. Sec. 4. There is added to chapter 8, Laws of 1965 and to chapter 43.22 RCW a new section to read as follows:

The department may obtain from a superior court having jurisdiction, a temporary injunction enjoining the installation of factory built housing on any building site upon affidavit of the department that such factory built housing does not conform to the requirements of this act or to the rules adopted pursuant to this act. The affidavit must set forth such violations in detail. The injunction may be made permanent, in the discretion of the court.

NEW SECTION. Sec. 5. There is added to chapter 8, Laws of 1965 and to chapter 43.22 RCW a new section to read as follows:

The department shall have the authority to delegate all or part of its duties of inspection to a local enforcement agency.

NEW SECTION. Sec. 6. There is added to chapter 8, Laws of 1965 and to chapter 43.22 RCW a new section to read as follows:

The governor shall appoint a factory built housing advisory board consisting of eleven members. Members appointed shall be broadly representative of the industries and professions involved in the development and construction of factory built housing and shall include representation from building code enforcement agencies, architectural and engineering associations, building construction

trades, the contracting and manufacturing industries, legislative bodies of local government and the general public. The factory built housing advisory board shall periodically review the rules promulgated under this act and shall recommend changes of such rules to the department when it deems changes advisable. Members shall receive a compensatory per diem of twenty-five dollars for each day or portion thereof actually spent in attending upon the duties of the board, and in addition thereto, shall be entitled to reimbursement for travel expenses as provided in RCW 43.03.060, as now or hereafter amended.

NEW SECTION. Sec. 7. There is added to chapter 8, Laws of 1965 and to chapter 43.22 RCW a new section to read as follows:

The department shall prescribe and enforce rules and regulations which protect the health, safety, and property of the people of this state by assuring that all factory built housing is structurally sound and that the plumbing, heating, electrical, and other components thereof are reasonably safe. Such rules and regulations shall be reasonably consistent with recognized and accepted principles of safety and structural soundness and in promulgating such rules and regulations the department shall consider, so far as practicable the standards and specifications contained in: The uniform building code (1967), published by the international conference of building officials; the uniform plumbing code (1967), published by the international association of plumbing and mechanical officials; the uniform mechanical code (1967), published by the international conference of building officials and the international association of plumbing and mechanical officials; and the national electrical code (1968), published by the national fire protection association. Updated issues of these codes and amendments to such codes shall be considered by the department.

The department shall set a schedule of fees which will cover the costs incurred by the department in the administration and enforcement of this act.

NEW SECTION. Sec. 8. There is added to chapter 8, Laws of 1965 and to chapter 43.22 RCW a new section to read as follows:

If the director of the department determines that the standards for factory built housing prescribed by statute, rule or regulation of another state are at least equal to the regulations prescribed under this act, and that such standards are actually enforced by such other state, he may provide by regulation that factory built housing approved by such other state shall be deemed to have been approved by the department.

NEW SECTION. Sec. 9. There is added to chapter 8, Laws of 1965 and to chapter 43.22 RCW a new section to read as follows:

Any person who violates any of the provisions of this act or any rules or regulations adopted pursuant to this act is guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding thirty days, or by both such fine and imprisonment.

Passed the Senate February 9, 1970
Passed the House February 5, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 45
[Engrossed Senate Bill No. 49]
THERMAL POWER PLANTS

AN ACT Relating to the location of thermal power plants; providing for the certification of siting and associated transmission line routing; establishing a thermal power plant site evaluation council; adding a new chapter to Title 80 RCW; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that the present and predicted growth in electric power demands in the state of Washington requires the development of a procedure for the selection and utilization of sites for thermal generating facilities and the identification of a state position with respect to each proposed site. The legislature recognizes that the selection of sites and

the routing of associated transmission lines will have a significant impact upon the welfare of the population, the location and growth of industry and the use of the natural resources of the state.

It is the policy of the state of Washington that, while recognizing the pressing need for increased power generation facilities, the state shall ensure through available and reasonable methods, that the location and operation of thermal power plants will produce minimal adverse effects on the environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life.

It is the intent to seek courses of action that will balance the increasing demands for thermal power plant location and operation in conjunction with the broad interests of the public. Such action will be based on these premises:

(1) To assure Washington state citizens that, where applicable, operational safeguards are at least as stringent as the criteria established by the federal government and are technically sufficient for their welfare and protection.

(2) To preserve and protect the quality of the environment; to enhance the public's opportunity to enjoy the esthetic and recreational benefits of the air, water and land resources; to promote air cleanliness; and to pursue beneficial changes in the environment.

(3) To provide abundant low-cost electrical energy.

NEW SECTION. Sec. 2. (1) "Applicant" means any electric utility which makes application for a site location certification pursuant to the provisions of this act;

(2) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this act;

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized;

(4) "Electric utility" means cities and towns, public utility districts, regulated electric companies, electric cooperatives and joint operating agencies, or combinations thereof, engaged in or authorized to engage in the business of generating, transmitting or distributing electric energy;

(5) "Site" means any proposed location wherein the power plant, related or supporting facilities, and associated transmission lines will be located;

(6) "Certification" means a binding agreement between an applicant and the state which shall embody compliance to the siting guidelines adopted in section 5 of this act as conditions to be met prior to or concurrent with the construction or operation of any thermal power plant coming under this act;

(7) "Associated transmission lines" means new transmission lines constructed to operate at nominal voltages in excess of 200,000 volts to connect a thermal power plant to the northwest power grid;

(8) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies;

(9) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel, including nuclear materials, for distribution of electricity by electric utilities;

(10) "Thermal power plant site evaluation council" or "council" means the body defined under section 3 of this act;

(11) "Counsel for environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with section 8 of this act;

(12) "Construction" means on-site work and construction shall not be deemed to have commenced until there has been an expenditure of not less than two hundred fifty thousand dollars in on-site improvements, excluding exploratory work;

(13) "Chairman" means the chairman of the thermal power plant site evaluation council;

(14) "Member agency" means departments, agencies and commissions enumerated in subsection (3) of section 3 of this act.

NEW SECTION. Sec. 3. (1) There is hereby created and established a "thermal power plant site evaluation council".

(2) The chairman of the council shall be appointed by the governor with the advice and consent of the senate and shall serve at the pleasure of the governor. The salary of the chairman shall be determined pursuant to the provisions of RCW 43.03.028 as now or hereafter amended.

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies and commissions or their statutory successors:

- (a) Water pollution control commission
- (b) Department of water resources
- (c) Department of fisheries
- (d) Department of game
- (e) State air pollution control board
- (f) Department of parks and recreation
- (g) Department of health
- (h) Interagency committee for outdoor recreation
- (i) Department of commerce and economic development
- (j) Utilities and transportation commission
- (k) Office of program planning and fiscal management
- (l) Department of natural resources
- (m) Planning and community affairs agency
- (n) Department of civil defense
- (o) Department of agriculture.

(4) The county legislative authority of every county wherein an application for a proposed thermal power plant site is filed shall appoint a member to the council. The member so appointed shall sit with the council only at such times as the council considers the pro-

posed site for the county which he represents and such member shall serve until there has been a final acceptance or rejection of such proposed site.

NEW SECTION. Sec. 4. The council shall have the following powers:

(1) To adopt, promulgate, amend, or rescind suitable rules and regulations to carry out the provisions of this act, and the policies and practices of the council in connection therewith;

(2) To appoint an executive secretary to serve at the pleasure of the council;

(3) To appoint and prescribe the duties of such clerks, employees and agents as may be necessary to carry out the provisions of this act: PROVIDED, That such persons shall be employed pursuant to the provisions of chapter 41.06 RCW;

(4) To develop and apply topical environmental and ecological guidelines in relation to the type, design, and location of thermal power plant sites and associated transmission line routes;

(5) To establish rules of practice for the conduct of public hearings pursuant to the provisions of the Administrative Procedure Act, as found in chapter 34.04 RCW;

(6) To prescribe the form, content, and necessary supporting documentation for site certification;

(7) To receive applications for site locations and to investigate the sufficiency thereof;

(8) To make and contract, when applicable, for independent studies of thermal power plant sites and transmission line routes proposed by the applicant;

(9) To conduct hearings on the proposed location of the thermal power plant sites and, when applicable, the associated transmission line routes;

(10) To prepare written reports to the governor which shall include: (a) a statement indicating whether the application is in compliance with the council's topical guidelines, (b) criteria spe-

cific to the site and transmission line routing, and (c) a council recommendation as to the disposition of the application;

(11) To prescribe the means for monitoring of the effects arising from the construction and the operation of thermal power plants, and where applicable, associated transmission lines to assure continued compliance with terms of certification.

NEW SECTION. Sec. 5. Promptly after it is organized under this act, the council shall give notice, pursuant to the Administrative Procedure Act, chapter 34.04 RCW, of intention to adopt as rules the comprehensive guidelines recommended by the thermal power plant evaluation council. The thermal power plant site evaluation council shall adopt the proposed guidelines as rules after making any changes or additions that are appropriate in view of facts and testimony presented at the hearing, provided that the guidelines so changed are consistent with the purposes of this act.

NEW SECTION. Sec. 6. (1) Provisions of this act shall apply to any stationary thermal power plant with generating capacity of two hundred fifty thousand kilowatts or more and floating thermal power plants of fifty thousand kilowatts or more, including associated transmission lines installed anywhere within the state of Washington. No construction of any such facility may be undertaken, after the effective date of this act, without first obtaining certification in the manner as herein provided, except that this act shall not apply to any such thermal power plant presently operating, or under construction, and its associated transmission lines.

(2) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

NEW SECTION. Sec. 7. (1) The council shall receive all applications for thermal power plant site certification. A fee of twenty-five thousand dollars for each proposed site, to be applied toward the cost of any study authorized in subsection (2) of this section, shall accompany the application and shall be a condition

precedent to any further consideration or action on the application by the council.

(2) After receiving an application for site certification, the council shall commission its own, independent consultant study to measure the consequences of the proposed power plant on the environment for each site application. The council shall direct the consultant to study any matter which it deems essential to an adequate appraisal of the site. The full cost of the study shall be paid by the applicant: PROVIDED, That said costs exceeding a total of twenty-five thousand dollars shall be payable subject to applicant giving prior approval to such excess amount.

(3) All payments required of the applicant under this section are to be made to the state treasurer, who in turn shall pay the consultant as instructed by the council. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the applicant.

NEW SECTION. Sec. 8. After the council has received a site application, the attorney general shall appoint an assistant attorney general or a special assistant attorney general as a counsel for the environment who shall be a member of the bar of the state of Washington. The counsel for the environment shall represent the public and its interest in protecting the quality of the environment for the duration of the certification proceedings, until such time as the certification is issued or denied. He shall be accorded all the rights, privileges and responsibilities of an attorney representing a party in a formal action. This section shall not be construed to prevent any person from being heard or represented by counsel in accordance with the other provisions of this act.

NEW SECTION. Sec. 9. (1) The council shall conduct a public hearing in the county of the proposed site within sixty days of receipt of an application for site certification: PROVIDED, That the place of such public hearing shall be as close as practical to the proposed site.

(2) The council must determine at the initial public hearing whether or not the proposed site is consistent and in compliance with county or regional land use plans or zoning ordinances. If it is determined that the proposed site does conform with existing land use plans or zoning ordinances in effect as of the date of the application, the county or regional planning authority shall not thereafter change such land use plans or zoning ordinances so as to affect the proposed site.

(3) Prior to the issuance of a council recommendation to the governor under section 10 of this act a public hearing, conducted as a contested case under chapter 34.04 RCW, shall be held. At such public hearing any person shall be entitled to be heard in support of or in opposition to the application for certification.

(4) Additional public hearings shall be held as deemed appropriate by the council in the exercise of its functions under this act.

NEW SECTION. Sec. 10. (1) The council shall report to the governor its recommendations for the disposition of an application for certification within twelve months of receipt by the council of such an application, or such later time as is mutually agreed by the council and the applicant.

(2) Within sixty days of receipt of the council's report the governor shall approve or reject the application for certification.

(3) The issuance of denial of the certification by the governor shall be final as to that application.

(4) Upon approval by the governor of the application for certification the chairman of the council shall within thirty days compose and submit a certification agreement for execution by the governor and the applicant.

NEW SECTION. Sec. 11. (1) If any provision of this act is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, or any rule or regulation promulgated thereunder, this act shall govern and con-

trol and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this act.

(2) The state hereby preempts the regulation and certification of thermal power plant sites and thermal power plants as defined in section 2 of this act.

NEW SECTION. Sec. 12. (1) Subject to the conditions set forth therein any certification signed by the governor shall bind the state or any of its departments, agencies, divisions, bureaus, commissions or boards as to the approval of the site and the construction and operation of the proposed thermal power plant and any associated transmission lines.

(2) The certification shall authorize the electric utility named therein to construct and operate the proposed thermal power plant and any associated transmission lines subject only to the conditions set forth in such certification.

(3) The issuance of a certification shall be in lieu of any permit, certificate or similar document required by any department, agency, division, bureau, commission or board of this state.

NEW SECTION. Sec. 13. Any certification may be revoked or suspended:

(1) For any material false statement in the application or in the supplemental or additional statements of fact or studies required of the applicant when a true answer would have warranted the council's refusal to recommend certification in the first instance; or

(2) For failure to comply with the terms or conditions of the original certification; or

(3) For violation of the provisions of this act, regulations issued thereunder or order of the council.

NEW SECTION. Sec. 14. (1) The approval or rejection of an application for certification by the governor shall be subject to judicial review pursuant to the provisions of chapter 34.04 RCW.

(2) The rules and regulations adopted by the council shall be subject to judicial review pursuant to the provisions of chapter 34-

.04 RCW.

NEW SECTION. Sec. 15. (1) The courts are authorized to grant such restraining orders, and such temporary and permanent injunctive relief as is necessary to secure compliance with this act and/or with a site certification agreement issued pursuant to this act. The court may assess civil penalties in an amount not less than one thousand dollars per day nor more than twenty-five thousand dollars per day for each day of construction or operation in material violation of this act, or in material violation of any site certification agreement issued pursuant to this act.

(2) Wilful violation of any provision of this act shall be a gross misdemeanor.

(3) Civil or criminal proceedings to enforce this act may be brought through the attorney general by the prosecuting attorney of any county affected by the violation.

(4) The remedies and penalties in this section, both civil and criminal, shall be cumulative and shall be in addition to any other penalties and remedies available at law, or in equity, to any person.

NEW SECTION. Sec. 16. The council shall make available for public inspection and copying during regular office hours at the expense of any person requesting copies, any information filed or submitted pursuant to this act.

NEW SECTION. Sec. 17. If any provision of this act, or its application to any person or circumstance is held invalid, with the exception of sections 11 and 12 of this act, the remainder of the act, or the application of the provision to other persons or circumstances, is not affected.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 19. Sections 1 through 18 of this act

shall constitute a new chapter in Title 80 RCW.

Passed the Senate January 31, 1970

Passed the House February 9, 1970

Approved by the Governor February 23, 1970, with the exception of an item in section 17 which is vetoed.

Filed in Office of Secretary of State February 24, 1970

NOTE: Governor's explanation of partial veto is as follows:

"...This act establishes a procedure for evaluating and certifying proposed sites for thermal power plants in the State of Washington. Under present law, there is no set procedure in state government for reviewing an application to establish a thermal power plant facility. An applicant seeking to establish a plant, whether the applicant be a private industry or a unit of government, must now deal separately with a number of different units of government. The principal purpose of this act is to coordinate the interests and activities of each unit of state government that plays a role in the establishment, location, and operation of such a facility so that the state can have a unified position. It is a significant step forward in availing ourselves of this newly developing power resource.

Section 17 of the act provides that if any portions except sections 11 and 12 are declared to be unconstitutional, the remainder of the act shall be effective. There is no reason to believe any part of sections 11 or 12 is unconstitutional. No convincing argument has been suggested for striking down the entire act because of some now unknown flaws in these sections. I have therefore vetoed from Senate Bill 49 the exceptions from the severability clause of sections 11 and 12, so that each part of the act may be administered and, if necessary, examined solely on its own merits.

The remainder of Senate Bill 49 is approved."

CHAPTER 46
[Senate Bill No. 60]
PUBLIC LANDS--SALES--LEASES

AN ACT Relating to public lands; and amending section 24, chapter 255, Laws of 1927 as last amended by section 1, chapter 78, Laws of 1967 ex. sess. and RCW 79.01.096.

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

Section 1. Section 24, chapter 255, Laws of 1927 as last amended by section 1, chapter 78, Laws of 1967 ex. sess. and RCW 79.01.096 are each amended to read as follows:

Not more than one hundred and sixty acres of any land granted

to the state by the United States shall be offered for sale in one parcel and no university lands shall be offered for sale except by legislative directive or with the consent of the board of regents of the University of Washington.

Any land granted to the state by the United States may be sold or leased for any lawful purpose in such minimum areas as may be fixed by the commissioner of public lands, except that upon the application of a school district or institutions of higher education for the purchase of a schoolhouse site or sites or any school land, not less than three nor more than ten acres may be offered for sale, and in all cases where a schoolhouse is or may be erected upon any school land the school district or institutions of higher education to which the schoolhouse belongs shall have the preference right for six months after the filing of the final appraisal of such school land to purchase the schoolhouse sites, to include the land occupied by the schoolhouse and grounds, at the appraised value thereof.

Land granted to the state shall not be leased for a longer period than ten years: PROVIDED, That such lands may be leased for the purpose of prospecting for, developing and producing oil, gas and other hydrocarbon substances or for the mining of coal subject to the provisions of chapter 79.14 RCW and RCW 79.01.692: PROVIDED FURTHER, That such lands may be leased for public school, college or university purposes for any period not exceeding ~~((twenty-years-with-an-option-for-a-new-lease-covering-such-lands-for-an-additional-period-not-exceeding-twenty-years,--the-terms-and-conditions-of-said-new-lease-to-be-fixed-by-the-department-of-natural-resources))~~ seventy-five years: PROVIDED FURTHER, That such lands may be leased for commercial, residential, business or recreational purposes for any period not exceeding fifty-five years: AND, PROVIDED FURTHER, That, as to lands under lease on July 30, 1967 for commercial, residential, business or recreational purposes for a period of not to exceed twenty years, the lessee shall have an option for a new lease for such lands for an additional period not exceeding thirty-five years, the terms and

conditions of said new lease to be fixed by the department: AND, PROVIDED FURTHER, That if, during the term of the lease of any state lands for commercial, residential, business or recreational purposes, in the opinion of the department it is in the best interest of the state so to do, the department may, on the application of the lessee, alter and amend the terms and conditions of such lease as to the types and conditions of commercial, residential, business or recreational enterprises conducted on such leased premises and the rent to be paid.

Passed the Senate February 9, 1970

Passed the House February 4, 1970

Approved by the Governor February 23, 1970

Filed in Office of Secretary of State February 24, 1970

CHAPTER 47
[Engrossed Senate Bill No. 85]
PROPERTY TAX MILLAGE LIMITATIONS

AN ACT Relating to county property tax millages; amending section 36.32.350, chapter 4, Laws of 1963 and RCW 36.32.350; amending section 36.47.040, chapter 4, Laws of 1963 as amended by section 3, chapter 5, Laws of 1969 ex. sess. and RCW 36.47.040; amending section 4, chapter 31, Laws of 1961 and RCW 53.06.040; amending section 1, chapter 267, Laws of 1961 and RCW 56.08.110; amending section 1, chapter 242, Laws of 1961 and RCW 57.08.110; amending section 1, chapter 191, Laws of 1939 as amended by section 1, chapter 163, Laws of 1943 and RCW 70.12.010; amending section 1, chapter 162, Laws of 1943 as last amended by section 11, chapter 110, Laws of 1967 ex. sess. and RCW 70.32.010; amending section 16, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.110; and amending section 7, page 210, Laws of 1888 as last amended by section 1, chapter 57, Laws of 1969 and RCW 73.08.080.

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

Section 1. Section 36.32.350, chapter 4, Laws of 1963 and RCW 36.32.350 are each amended to read as follows:

County commissioners may designate the Washington State Asso-

ciation of County Commissioners as a coordinating agency in the execution of duties imposed by RCW 36.32.335 through 36.32.360 and reimburse the association from county current expense funds in the county commissioners' budget for the costs of any such services rendered: PROVIDED, That the total of such reimbursements from any county in any calendar year shall not exceed a sum equal to the ~~((revenues-of one-fiftieth-of-a-mill-levy-against-the-assessed-valuation))~~ amount which would be raised by a levy of one two-hundredths of a mill against the actual value of the taxable property of the county. Such reimbursement shall be paid on vouchers submitted to the county auditor and approved by the board of county commissioners in the manner provided for the disbursement of other current expense funds and the vouchers shall set forth the nature of the service rendered, supported by affidavit that the service has actually been performed.

Sec. 2. Section 36.47.040, chapter 4, Laws of 1963 as amended by section 3, chapter 5, Laws of 1969 ex. sess. and RCW 36.47.040 are each amended to read as follows:

Each county which designates the Washington state association of county officials as the agency through which the duties imposed by RCW 36.47.020 may be executed is authorized to reimburse the association from the county current expense fund for the cost of any such services rendered: PROVIDED, That no reimbursement shall be made to the association for any expenses incurred under RCW 36.47.050 for travel, meals, or lodging of such county officials, or their representatives at such meetings, but such expenses may be paid by such official's respective county as other expenses are paid for county business. Such reimbursement shall be paid only on vouchers submitted to the county auditor and approved by the board of county commissioners of each county in the manner provided for the disbursement of other current expense funds. Each such voucher shall set forth the nature of the services rendered by the association, supported by affidavit that the services were actually performed. The total of such reimbursements for any county in any calendar year shall not

exceed a sum equal to (~~(the revenues produced by a levy of one hundredth of a mill against the assessed valuation of taxable property)~~) the amount which would be raised by a levy of one four-hundredth of a mill against the actual value of the taxable property in such county.

Sec. 3. Section 4, chapter 31, Laws of 1961, and RCW 53.06-.040 are each amended to read as follows:

Each port district which designates the Washington public ports association as the agency through which the duties imposed by RCW 53.06.020 may be executed is authorized to pay dues and/or assessments to said association from port district funds in any calendar year in an amount not exceeding a sum equal to (~~revenues of one-twenty-fifth of a mill levy against the assessed valuation of the property~~) the amount which would be raised by a levy of one-hundredth of a mill against the actual value of the taxable property within the port district.

Sec. 4. Section 1, chapter 267, Laws of 1961, and RCW 56.08-.110 are each amended to read as follows:

To improve the organization and operation of sewer districts, the commissioners of two or more such districts may form an association thereof, for the purpose of securing and disseminating information of value to the members of the association and for the purpose of promoting the more economical and efficient operation of the comprehensive plans of sewer systems in their respective districts. The commissioners of sewer districts so associated shall adopt articles of association, select such officers as they may determine, and employ and discharge such agents and employees as shall be deemed convenient to carry out the purposes of the association. Sewer district commissioners and their employees are authorized to attend meetings of the association. The expense of the association may be paid from the maintenance or general funds of the associated districts in such manner as shall be provided in the articles of association: PROVIDED, That the aggregate contributions made to the association by the district in any calendar year shall not exceed (~~one-tenth of~~

~~one-mill-of-the-tax-valuation~~) the amount which would be raised by a levy on one-fortieth of a mill against the actual value of the taxable property of the district. The financial records of such association shall be subject to audit by the Washington state division of municipal corporations of the state auditor.

Sec. 5. Section 1, chapter 242, Laws of 1961, and RCW 57.08-.110 are each amended to read as follows:

To improve the organization and operation of water districts, the commissioners of two or more such districts may form an association thereof, for the purpose of securing and disseminating information of value to the members of the association and for the purpose of promoting the more economical and efficient operation of the comprehensive plans of water supply in their respective districts. The commissioners of water districts so associated shall adopt articles of association, select such officers as they may determine, and employ and discharge such agents and employees as shall be deemed convenient to carry out the purposes of the association. Water district commissioners and employees are authorized to attend meetings of the association. The expense of the association may be paid from the maintenance or general funds of the associated districts in such manner as shall be provided in the articles of association: PROVIDED, That the aggregate contributions made to the association by the district in any calendar year shall not exceed (~~one-tenth-of-one-mill-of-the-tax valuation~~) the amount which would be raised by a levy of one-fortieth of a mill against the actual value of the taxable property of the district. The financial records of such association shall be subject to audit by the Washington state division of municipal corporations of the state auditor.

Sec. 6. Section 1, chapter 191, Laws of 1939 as amended by section 1, chapter 163, Laws of 1943 and RCW 70.12.010 are each amended to read as follows:

Each board of county commissioners shall annually budget and levy as a tax for public health work in its county a sum equal to

~~((four-tenths-of-a-mill-on-the-assessed-valuation-of-the-taxable property))~~ the amount which would be raised by a levy of one-tenth of a mill against the actual value of the taxable property in the county, but nothing herein contained shall prohibit a county from obtaining said public health funds from any other source of county revenue or from budgeting additional sums for public health work.

Sec. 7. Section 1, chapter 162, Laws of 1943 as last amended by section 11, chapter 110, Laws of 1967 ex. sess. and RCW 70.32.010 are each amended to read as follows:

Tuberculosis is a communicable disease and tuberculosis control, including hospitalization, case finding, prevention and follow up of known cases of tuberculosis represents the basic step in the conquest of this major health problem. In order to carry on such work effectively, the board of county commissioners of each county in the state shall budget and levy annually a tax in a sum equal to ~~((one-half-of-a-mill-on-the-assessed-valuation-of-the-taxable-property))~~ the amount which would be raised by a levy of one-eighth of a mill against the actual value of the taxable property in the county, to be used for the control of tuberculosis, including hospitalization, case finding, prevention and follow up of known cases of tuberculosis: PROVIDED, That upon certification of the state director of health that any county has an unexpended balance from such levy, over and above the amount required for adequate tuberculosis control, including hospitalization, case finding, prevention and follow up of known cases of tuberculosis within the county, the board of county commissioners may budget and reappropriate the same for such tuberculosis control for the ensuing year, or it may allocate from time to time such unexpended balance, or any portion thereof, to the county health department for use in furtherance of other communicable disease prevention or control, or as provided in RCW 70.32.090. The sum herein provided for, and any income that may accrue from miscellaneous receipts in connection with the tuberculosis control program of the county, shall be placed in the county treasury in a special fund to

be known as the tuberculosis fund, and obligations incurred for the tuberculosis control program shall be paid from said fund by the county treasurer in the same manner as general county obligations are paid. The county auditor shall furnish to the board of commissioners and the state department of health a monthly report of receipts and disbursements in the tuberculosis fund, which report shall also show balances of cash on hand.

Sec. 8. Section 16, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.110 are each amended to read as follows:

In order to provide additional funds for the coordination of community mental retardation services and to provide community mental retardation or mental health services, the board of county commissioners of each county in the state shall budget and levy annually a tax in a sum equal to ~~((one-tenth-of-a-mill-on-the-assessed-valuation-of-the-taxable-property))~~ the amount which would be raised by a levy of one-fortieth of a mill against the actual value of the taxable property in the county to be used for such purposes.

Sec. 9. Section 7, page 210, Laws of 1888 as last amended by section 1, chapter 57, Laws of 1969 and RCW 73.08.080 are each amended to read as follows:

The boards of county commissioners of the several counties in this state shall levy, in addition to the taxes now levied by law, a tax ~~((not-less-than-one-twentieth-of-one-mill,-and-not-greater-than-one-and-one-fifth-mills,-upon-the-taxable-property))~~ in a sum equal to the amount which would be raised by not less than one-eightieth of one mill, and not greater than three-tenths of a mill against the actual value of the taxable property of their respective counties, to be levied and collected as now prescribed by law for the assessment and collection of taxes, for the purpose of creating the veteran's relief fund for the relief of honorably discharged veterans who served in the armed forces of the United States in the Civil War, in the war of Mexico or in any of the Indian wars, or the Spanish-American war or the Philippine insurrection, in the First

World War, or Second World War or Korean conflict, or Viet Nam conflict, and the indigent wives, husbands, widows, widowers and minor children of such indigent or deceased veterans, to be disbursed for such relief by such board of county commissioners: PROVIDED, That if the funds on deposit, less outstanding warrants, residing in the veteran's relief fund on the first Tuesday in September exceed the expected yield of ((one-twentieth)) one-eightieth of one mill on the actual value of the taxable property of the county, the county commissioners may levy a lesser amount: PROVIDED FURTHER, That the costs incurred in the administration of said veteran's relief fund shall be computed by the county treasurer not less than annually and such amount may then be transferred from the veteran's relief fund as herein provided for to the county current expense fund.

Passed the Senate January 30, 1970

Passed the House February 9, 1970

Approved by the Governor February 20, 1970

Filed in Office of Secretary of State February 24, 1970

CHAPTER 48

[Engrossed Senate Bill No. 95]

COMMUNICATIONS--

PROHIBITIONS, EXCEPTIONS AS TO POLICE AND FIRE PERSONNEL

AN ACT Relating to communications; prohibiting the interception, recording or divulging thereof; permitting certain exceptions for police and fire personnel; and adding a new section to chapter 249, Laws of 1909 and to chapter 9.73 RCW.

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 9.73 RCW a new section to read as follows:

The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police and fire personnel in the following instances:

(1) Recording incoming telephone calls to police and fire stations for the purpose and only for the purpose of verifying the accuracy of reception of emergency calls.

(2) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding per-

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

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

(b) the recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof,

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

(d) the recordings shall only be used for valid police or court activities.

NEW SECTION. Sec. 2. Video and/or sound recordings obtained by police personnel under the authority of this act shall be made available for hearing and/or viewing by defense counsel at the request of defense counsel whenever a criminal charge has been filed against the subject of the video and/or sound recordings.

NEW SECTION. Sec. 3. SEVERABILITY. 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 chapter so adjudged to be invalid or unconstitutional.

Passed the Senate February 9, 1970
Passed the House February 6, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 49
[Substitute Senate Bill No. 99]
CRIMES AND CRIMINAL PROCEDURE

AN ACT Relating to crimes and criminal procedures; amending section 138, chapter 249, Laws of 1909 and RCW 9.48.010; amending

section 16, page 78, Laws of 1854 as last amended by section 143, chapter 249, Laws of 1909 and RCW 9.48.060; amending section 74, page 114, Laws of 1854 as last amended by section 43, chapter 28, Laws of 1891 and RCW 10.31.030; amending section 2, chapter 132, Laws of 1945 and RCW 13.04.130; amending section 46.56.040, chapter 12, Laws of 1961 as amended by section 63, chapter 155, Laws of 1965 ex. sess., and RCW 46.61.520; amending section 72.50.040, chapter 28, Laws of 1959 and RCW 72.50.040; adding new sections; and prescribing penalties.

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

Section 1. Section 138, chapter 249, Laws of 1909 and RCW 9.48.010 are each amended to read as follows:

Homicide is the killing of a human being by the act, procurement or omission of another, death occurring within three years and a day, and is either (1) murder, (2) manslaughter, (3) excusable homicide or (4) justifiable homicide.

Sec. 2. Section 16, page 78, Laws of 1854 as last amended by section 143, chapter 249, Laws of 1909 and RCW 9.48.060 are each amended to read as follows:

~~((In))~~ Any (case) homicide other than (those-specified-in RCW-9-48-0307-9-48-0407-and-9-48-050)), murder in the first degree, or murder in the second degree, and not being excusable or justifiable, is manslaughter.

Manslaughter is punishable by imprisonment in the state penitentiary for not more than twenty years, or by imprisonment in the county jail for not more than one year, or by a fine of not more than one thousand dollars, or by both fine and imprisonment.

Sec. 3. Section 74, page 114, Laws of 1854 as last amended by section 43, chapter 28, Laws of 1891 and RCW 10.31.030 are each amended to read as follows:

The officer making an arrest must inform the defendant that he acts under authority of a warrant, and must also show the warrant ~~((if required))~~: PROVIDED, That if the officer does not have the warrant

in his possession at the time of arrest he shall declare that the warrant does presently exist and will be shown to the defendant as soon as possible on arrival at the place of intended confinement: PROVIDED, FURTHER, That any officer making an arrest under this section shall, if the person arrested wishes to deposit bail, take such person directly and without delay before a judge or before an officer authorized to take the recognizance and justify and approve the bail, including the deposit of a sum of money equal to bail. Bail shall be the amount fixed by the warrant. Such judge or authorized officer shall hold bail for the legal authority within this state which issued such warrant if other than such arresting authority.

Sec. 4. Section 2, chapter 132, Laws of 1945 and RCW 13.04-.130 are each amended to read as follows:

~~((Neither the fingerprints nor a photograph shall be taken of))~~

Any child under the age of eighteen years taken into custody ~~((for any purpose without the consent of juvenile court))~~ upon probable cause that he has committed an act which would be a felony if he were an adult, shall be fingerprinted and photographed by the law enforcement agency taking the child into custody. These fingerprints and photographs shall be kept by the agency making such fingerprints and photographs in a separate file maintained by the agency for that specific purpose only and shall not be a public record unless otherwise authorized by the juvenile court. If the child is not cited or referred to the juvenile court; or if the child is found to be not delinquent; or if the child is adjudicated a delinquent for an offense less than a felony under the criminal laws of this state, if the child were an adult, then the court in its discretion may order all originals and copies of the fingerprints and photographs promptly destroyed. If the child is adjudicated a delinquent for an offense which would be a felony under the criminal laws of this state if the child were an adult, or in the absence of an order from the juvenile court ordering the fingerprints and photographs destroyed as herein

above provided, then the law enforcement agency taking the fingerprints and photographs shall retain the originals thereof. The law enforcement agency taking fingerprints and photographs under this section shall immediately thereafter forward adequate duplicate copies as required under this section to the juvenile court along with the written offense report relating to the matter for which the child was taken into custody. Except as otherwise provided by this section the juvenile court after adjudication of the case shall forward duplicate copies of the fingerprints and photographs, together with the child's name, address, date of birth, age and sex to the following agencies:

(1) The state bureau of criminal identification.

(2) The sheriff's department of the county in which the law enforcement agency is located in order to maintain a central juvenile identification file in each county.

(3) The law enforcement agencies of municipalities, within their respective county, having a population in excess of fifty thousand persons.

All fingerprints and photographs taken under this section, including all duplicate copies thereof, furnished under this section, shall be marked "Juvenile Confidential" and kept in a separate file, by each law enforcement agency having possession thereof, and shall not be considered public records: PROVIDED, FURTHER, That each agency shall be subject to the same restrictions concerning the use of these fingerprints and photographs as enumerated herein for the state bureau of criminal identification. The state bureau of criminal identification shall use these fingerprints and photographs only for the purpose of making an identification. If an identification is made, the state bureau of criminal identification shall advise the forwarding law enforcement agency of this fact and the name and last known address of the child whose photographs have been identified or whose fingerprints match the latent prints forwarded to the bureau. The technician of the state bureau of criminal identification who makes

the identification shall be available for the purpose of giving testimony as to such identification. Fingerprints and photographs received, under this section, by the state bureau of criminal identification shall be kept until the child reaches his twenty-first birthday. At the end of this period they shall be destroyed. These fingerprints and photographs shall not be public records and no copies shall be made available to any person or agency at any time, except as otherwise provided pursuant to this section or for good cause shown upon order of the juvenile court.

Nothing contained in this section shall apply to photographs of children at juvenile correctional facilities.

Sec. 5. Section 46.56.040, chapter 12, Laws of 1961 as amended by section 63, chapter 155, Laws of 1965 ex. sess., and RCW 46.61.520 are each amended to read as follows:

(1) When the death of any person shall ensue within (~~one year~~) three years as a proximate result of injury received by the driving of any vehicle by any person while under the influence of or affected by intoxicating liquor or narcotic drugs as defined in chapter 69.33 RCW or dangerous drugs as defined in chapter 69.40 RCW or by the operation of any vehicle in a reckless manner or with disregard for the safety of others, the person so operating such vehicle shall be guilty of negligent homicide by means of a motor vehicle.

(2) Any person convicted of negligent homicide by means of a motor vehicle shall be punished by imprisonment in the state penitentiary for not more than (~~twenty~~) ten years, or by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars, or by both fine and imprisonment.

Sec. 6. Section 72.50.040, chapter 28, Laws of 1959 and RCW 72.50.040 are each amended to read as follows:

All persons arrested for any of the crimes described in RCW 72.50.060, except (~~juveniles~~) children under the age of eighteen years, who shall be treated under RCW 13.04.130, shall submit to the taking of their fingerprints, photographs, physical description and

other identifying data.

NEW SECTION. Sec. 7. In all cases where an information has been filed against a defendant or an indictment returned, the prosecuting attorney may, not less than eight days before the case is set to be tried, serve upon such defendant or his counsel and file a demand which shall require that if such defendant intends to offer, for any purpose whatever, testimony of any person which may tend to establish the defendant's presence elsewhere than at the scene of the crime at the time of its commission, the defendant must within four days thereafter serve upon such prosecuting attorney and file a bill of particulars which shall set forth in detail the place or places where the defendant claims to have been, together with the names, post office addresses, residences, and places of employment of the witnesses upon whom the defendant intends to rely to establish his presence elsewhere than at the scene of the crime at the time of its commission. Unless the defendant shall pursuant to such demand, serve and file such bill of particulars, the court, in the event that such testimony is sought to be interposed by the defendant upon the trial for any purpose whatever, or in the event that a witness not mentioned in such bill of particulars is called by the defendant to give such testimony, may exclude such testimony, or the testimony of such witness. In the event that the court shall allow such testimony, or the testimony of such witness, it must, upon motion of the prosecuting attorney, grant an adjournment not to exceed one week.

NEW SECTION. Sec. 8. Whoever, having witnessed the actual commission of a felony involving violence or threat of violence or having witnessed preparations for the commission of a felony involving violence or threat of violence, does not as soon as reasonably possible make known his knowledge of such to the prosecuting attorney, police, or other public officials of the state of Washington having jurisdiction over the matter, shall be guilty of a gross misdemeanor: PROVIDED, That nothing in this act shall be so construed to affect existing privileged relationships as provided by law.

NEW SECTION. Sec. 9. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 9, 1970

Passed the House February 9, 1970

Approved by the Governor February 23, 1970, with the exception of section 4, which is vetoed.

Filed in Office of Secretary of State February 24, 1970

NOTE: Governor's explanation of partial veto is as follows:

"...This bill contains several provisions pertaining to criminal law and procedures. Section 4 makes a substantial change in the procedure for determining whether a person under the age of 18 years who has been taken into custody may be fingerprinted and photographed. Under existing law, this may be done with the consent of the Juvenile Court. Under section 4 this will be done by the law enforcement agency taking the person into custody where there is probable cause that he has committed an act which would be a felony if he were an adult.

The remainder of the new language in section 4 then describes the procedure for determining whether such fingerprints and photographs shall be retained or destroyed, and if retained, their distribution and use.

Section 4 provides that fingerprints and photographs shall be distributed to the State Bureau of Criminal Identification as well as to certain local law enforcement agencies. The section then describes the standards for use by the State Bureau. While the State Bureau of Criminal Identification is legally still in existence, it has not been funded for several biennia by the legislature and it is essentially defunct. For this reason, Senate Bill No. 52 which creates the Department of Social and Health Services, repeals the sections in the code whereby the State Bureau of Criminal Identification is created. As a result, subsequent to July 1, 1970, there will be no State Bureau to which these records will be able to be forwarded.

While the objectives of the procedural changes contemplated in section 4 may well be valid ones, they do raise issues which deserve careful consideration by the various groups concerned with the problems of juvenile misconduct and rehabilitation. It is my hope that should this subject be considered at the next legislative session all interested parties will participate so that a solution can be obtained which will meet the needs of the safety of the public and yet retain the protections which have been developed for the rehabilitation of juveniles.

For the reasons stated, I have decided to veto section 4. The remainder of Substitute Senate Bill 99 is approved."

CHAPTER 50
[Engrossed Senate Bill No. 105]
DEPARTMENT OF INSTITUTIONS--
PROGRAMS AND FACILITIES, AGREEMENTS--
SCHOOLS FOR BLIND AND DEAF, SESSIONS

AN ACT Relating to the treatment and rehabilitation of persons admitted or committed to institutions under the supervision of the department of institutions; relating to the facilities, equipment and personnel of the institutions under the supervision of the department of institutions; amending section 1, chapter 46, Laws of 1967 and RCW 72.01.450; adding new sections to chapter 72.01 RCW; repealing section 72.40.030, chapter 28, Laws of 1959 and RCW 72.40.030; and declaring an emergency.

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

NEW SECTION. Section 1. The director of the department of institutions is authorized to enter into agreements with any non-profit corporation or association for the purpose of providing and coordinating voluntary and community based services for the treatment or rehabilitation of persons admitted or committed to any institution under the supervision of the department of institutions.

Sec. 2. Section 1, chapter 46, Laws of 1967 and RCW 72.01.450 are each amended to read as follows:

The director of institutions of the state of Washington is authorized to enter into agreements with any school district or any ((state)) institution of higher learning for the use of the((physical)) facilities, equipment and personnel of any state institution of the department, for the purpose of conducting courses of education, instruction or training in the professions and skills utilized by one or more of the institutions, at such times and under such circumstances and with such terms and conditions as may be deemed appropriate.

NEW SECTION. Sec. 3. The director is authorized to enter into an agreement with any agency of the state, a county, city or

political subdivision of the state for the use of the facilities, equipment and personnel of any institution of the department for the purpose of conducting courses of education, instruction or training in any professional skill having a relationship to one or more of the functions or programs of the department.

NEW SECTION. Sec. 4. In any course of education, instruction or training conducted in any state institution of the department, pursuant to the authority of section 1 and 2 of this 1970 amendatory act, use may be made of selected files and records of such institution, notwithstanding the provisions of any statute to the contrary.

NEW SECTION. Sec. 5. The director may permit the use of the facilities of any state institution by any community service organization, nonprofit corporation, group or association for the purpose of conducting a program of education, training, entertainment or other purpose, for the residents of such institutions, if determined by the director to be beneficial to such residents or a portion thereof.

NEW SECTION. Sec. 6. The school year for the state school for the blind and the state school for the deaf shall commence on the first day of July of each year and shall terminate on the 30th day of June of the succeeding year. The regular school term shall be for a period of nine months and shall commence as near as reasonably practical at the time of the commencement of regular terms in the public schools, with the equivalent number of days as are now required by law, and the regulations of the superintendent of public instruction as now or hereafter amended, during the school year in the public schools. The school shall observe all legal holidays, in the same manner as other agencies of state government, and the schools will not be in session on such days and such other days as may be approved by the director of institutions. During the period when the schools are not in session during the regular school term, schools may be operated, subject to the approval of the director, for the instruction of students or for such other reasons which are in

furtherance of the objects and purposes of such schools.

NEW SECTION. Sec. 7. Section 72.40.030, chapter 28, Laws of 1959 and RCW 72.40.030 are hereby repealed.

NEW SECTION. Sec. 8. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. Sections 2 through 4 of this act shall be added to chapter 72.01 RCW.

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

Passed the Senate January 29, 1970

Passed the House February 9, 1970

Approved by the Governor February 23, 1970, with the exception of certain items in section 4, which are vetoed.

Filed in Office of Secretary of State February 24, 1970

NOTE: Governor's explanation of partial veto is as follow:

"...This bill relates to programs and facilities of the Department of Institutions. Sections 2 through 10 were added as a floor amendment in the House of Representatives. Section 4 contains an internal reference to "section 1 and 2 of this 1970 amendatory act." It is clear from the context of the bill that this internal reference should have been to "section 2 and 3" of the act.

In order to avoid this internal inconsistency, I have vetoed the item in section 4 which makes reference to section 1 and 2 of the act. With the exception of that item, Engrossed Senate Bill No. 105 is approved."

CHAPTER 51
[Substitute Senate Bill No. 226]
STATE HIGHWAYS--ROUTE NUMBERS

AN ACT Relating to state highways; amending section 10, chapter 281, Laws of 1969 ex. sess. (uncodified); amending section 47.20-.570, chapter 13, Laws of 1961 and RCW 47.20.570; amending section 47.20.580, chapter 13, Laws of 1961 and RCW 47.20.580; amending section 47.22.010, chapter 13, Laws of 1961 and RCW 47.22.010; amending section 47.22.020, chapter 13, Laws of 1961 as amended by section 13, chapter 145, Laws of 1967 ex. sess. and RCW 47.22.020; amending section 2, chapter 85, Laws of 1967 ex. sess. as amended by section 6, chapter 281, Laws of 1969 ex. sess. and RCW 47.39.020; adding a new chapter to Title 47 RCW; repealing section 47.16.010, chapter 13, Laws of 1961 as last amended by section 5, chapter 170, Laws of 1965 ex. sess. and RCW 47.16.010; repealing section 4, chapter 145, Laws of 1967 ex. sess. and RCW 47.16.013; repealing section 13, chapter 281, Laws of 1969 ex. sess. and RCW 47.16-.014; repealing section 47.16.020, chapter 13, Laws of 1961 as amended by section 5, chapter 281, Laws of 1969 ex. sess. and RCW 47.16.020; repealing section 47.16.030, chapter 13, Laws of 1961 as amended by section 7, chapter 170, Laws of 1965 ex. sess. and RCW 47.16.030; repealing section 47.16.040, chapter 13, Laws of 1961 and RCW 47.16.040; repealing section 47.16.050, chapter 13, Laws of 1961 as last amended by section 7, chapter 281, Laws of 1969 ex.ssess. and RCW 47.16.050; repealing section 9, chapter 145, Laws of 1967 ex.ssess. and RCW 47.16.053; repealing section 47.16.060, chapter 13, Laws of 1961 as amended by section 1, chapter 240, Laws of 1963 and RCW 47.16.060; repealing section 47.16.070, chapter 13, Laws of 1961 and RCW 47.16.070; repealing section 47.16.080, chapter 13, Laws of 1961 as amended by section 8, chapter 170,

Laws of 1965 ex. sess. and RCW 47.16.080; repealing section 47.16.090, chapter 13, Laws of 1961 and RCW 47.16.090; repealing section 47.16.100, chapter 13, Laws of 1961 as amended by section 1, chapter 3, Laws of 1963 ex. sess. and RCW 47.16.100; repealing section 47.16.110, chapter 13, Laws of 1961 and RCW 47.16.110; repealing section 47.16.120, chapter 13, Laws of 1961 as last amended by section 9, chapter 170, Laws of 1965 ex. sess. and RCW 47.16.120; repealing section 47.16.130, chapter 13, Laws of 1961 and RCW 47.16.130; repealing section 47.16.140, chapter 13, Laws of 1961 as amended by section 3, chapter 3, Laws of 1963 ex. sess. and RCW 47.16.140; repealing section 47.16.150, chapter 13, Laws of 1961 and RCW 47.16.150; repealing section 47.16.160, chapter 13, Laws of 1961 as amended by section 3, chapter 21, Laws of 1961 ex.sess. and RCW 47.16.160; repealing section 47.16.180, chapter 13, Laws of 1961 and RCW 47.16.180; repealing section 47.16.190, chapter 13, Laws of 1961 as last amended by section 12, chapter 170, Laws of 1965 ex. sess. and RCW 47.16.190; repealing section 47.16.200, chapter 13, Laws of 1961 as amended by section 4, chapter 3, Laws of 1963 ex. sess. and RCW 47.16.200; repealing section 47.20.010, chapter 13, Laws of 1961 as last amended by section 1, chapter 170, Laws of 1965 ex.sess. and RCW 47.20.010; repealing section 47.20.020, chapter 13, Laws of 1961 as amended by section 4, chapter 21, Laws of 1961 ex. sess. and RCW 47.20.020; repealing section 47.20.030, chapter 13, Laws of 1961 as last amended by section 2, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.030; repealing section 47.20.040, chapter 13, Laws of 1961 and RCW 47.20.040; repealing section 47.20.050, chapter 13, Laws of 1961 as amended by section 3, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.050; repealing section 47.20.060, chapter 13, Laws of 1961 and RCW 47.20.060; repealing section 47.20.070, chapter 13, Laws of 1961 and RCW

47.20.070; repealing section 47.20.080, chapter 13, Laws of 1961 as amended by section 6, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.080; repealing section 47.20.090, chapter 13, Laws of 1961 as amended by section 8, chapter 21, Laws of 1961 ex. sess. and RCW 47.20.090; repealing section 47.20.100, chapter 13, Laws of 1961 as amended by section 20, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.100; repealing section 47.20.109, chapter 13, Laws of 1961 and RCW 47.20.109; repealing section 47.20.110, chapter 13, Laws of 1961 and RCW 47.20.110; repealing section 47.20.120, chapter 13, Laws of 1961 as amended by section 7, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.120; repealing section 47.20.130, chapter 13, Laws of 1961 as amended by section 8, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.130; repealing section 47.20.140, chapter 13, Laws of 1961 as last amended by section 12, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.140; repealing section 47.20.150, chapter 13, Laws of 1961 and RCW 47.20.150; repealing section 47.20.160, chapter 13, Laws of 1961 as last amended by section 5, chapter 145, Laws of 1967 ex.sess. and RCW 47.20.160; repealing section 47.20.161, chapter 13, Laws of 1961 and RCW 47.20.161; repealing section 6, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.162; repealing section 47.20.165, chapter 13, Laws of 1961 and RCW 47.20.165; repealing section 47.20.170, chapter 13, Laws of 1961 and RCW 47.20.170; repealing section 47.20.180, chapter 13, Laws of 1961 as amended by section 28, chapter 170, Laws of 1965 ex. sess. and RCW 47.20.180; repealing section 47.20.190, chapter 13, Laws of 1961 and RCW 47.20.190; repealing section 47.20.200, chapter 13, Laws of 1961 as amended by section 8, chapter 281, Laws of 1969 ex. sess. and RCW 47.20.200; repealing section 47.20.210, chapter 13, Laws of 1961 as amended by section 10, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.210; repealing section 47.20.220,

chapter 13, Laws of 1961 as last amended by section 11, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.220; repealing section 17, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.221; repealing section 18, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.222; repealing section 19, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.223; repealing section 47.20.230, chapter 13, Laws of 1961 and RCW 47.20.230; repealing section 47.20.240, chapter 13, Laws of 1961 as amended by section 9, chapter 21, Laws of 1961 ex. sess. and RCW 47.20.240; repealing section 47.20.250, chapter 13, Laws of 1961 as amended by section 12, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.250; repealing section 47.20.260, chapter 13, Laws of 1961 and RCW 47.20.260; repealing section 47.20.270, chapter 13, Laws of 1961 and RCW 47.20.270; repealing section 47.20.280, chapter 13, Laws of 1961 as amended by section 15, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.280; repealing section 47.20.290, chapter 13, Laws of 1961 and RCW 47.20.290; repealing section 47.20.300, chapter 13, Laws of 1961 as amended by section 17, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.300; repealing section 47.20.310, chapter 13, Laws of 1961 and RCW 47.20.310; repealing section 47.20.320, chapter 13, Laws of 1961 as amended by section 2, chapter 170, Laws of 1965 ex. sess. and RCW 47.20.320; repealing section 47.20.325, chapter 13, Laws of 1961 and RCW 47.20.325; repealing section 47.20.330, chapter 13, Laws of 1961 as amended by section 10, chapter 21, Laws of 1961 ex. sess. and RCW 47.20.330; repealing section 47.20.340, chapter 13, Laws of 1961 as last amended by section 13, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.340; repealing section 41, chapter 21, Laws of 1961 ex. sess. as amended by section 3, chapter 170, Laws of 1965 ex. sess. and RCW 47.20.351; repealing section 47.20.360, chapter 13, Laws of 1961 as amended by section 16, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.360; repealing section 47.20.379, chap-

ter 13, Laws of 1961 and RCW 47.20.379; repealing section 47-20.380, chapter 13, Laws of 1961 as amended by section 30, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.380; repealing section 47.20.390, chapter 13, Laws of 1961 as amended by section 9, chapter 281, Laws of 1969 ex. sess. and RCW 47.20.390; repealing section 47.20.400, chapter 13, Laws of 1961 and RCW 47.20.400; repealing section 47.20.410, chapter 13, Laws of 1961 as last amended by section 7, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.410; repealing section 47.20.420, chapter 13, Laws of 1961 and RCW 47.20.420; repealing section 47-20.430, chapter 13, Laws of 1961 as amended by section 15, chapter 21, Laws of 1961 ex. sess. and RCW 47.20.430; repealing section 10, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.431; repealing section 47.20.440, chapter 13, Laws of 1961 as last amended by section 4, chapter 170, Laws of 1965 ex. sess. and RCW 47.20.440; repealing section 47.20.450, chapter 13, Laws of 1961 and RCW 47.20.450; repealing section 47-20.460, chapter 13, Laws of 1961 and RCW 47.20.460; repealing section 47.20.461, chapter 13, Laws of 1961 and RCW 47.20.461; repealing section 47.20.462, chapter 13, Laws of 1961 and RCW 47.20.462; repealing section 47.20.470, chapter 13, Laws of 1961 and RCW 47.20.470; repealing section 47.20.480, chapter 13, Laws of 1961 and RCW 47.20.480; repealing section 47.20-490, chapter 13, Laws of 1961 as amended by section 15, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.490; repealing section 47.20.500, chapter 13, Laws of 1961 as amended by section 16, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.500; repealing section 11, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.505; repealing section 47.20.540, chapter 13, Laws of 1961 as amended by section 12, chapter 21, Laws of 1961 ex. sess. and RCW 47.20.540; repealing section 47.20.541, chapter 13, Laws of 1961 and RCW 47.20.541; and repealing section 47.20-550, chapter 13, Laws of 1961 and RCW 47.20.550.

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

NEW SECTION. Section 1. There is added to Title 47 RCW a new chapter which chapter shall include sections 2 through 171 of this 1970 amendatory act.

NEW SECTION. Sec. 2. A state highway to be known as state route number 2 is established as follows:

Beginning at a junction with state route number 5 in Everett, thence easterly by the most feasible route by way of Monroe, Stevens Pass and Leavenworth to a junction with state route number 97 in the vicinity of Peshastin; also

From that junction with state route number 97 in the vicinity of Peshastin, thence easterly by the most feasible route by way of Wenatchee, Waterville, Wilbur and Davenport to a junction with state route number 90 in the vicinity west of Spokane; also

Beginning at a junction with state route number 90 at Spokane, thence northerly to a junction with state route number 395 in the vicinity north of Spokane; also

From that junction with state route number 395 in the vicinity north of Spokane, thence northerly to a junction with state route number 31 at Newport; also

From that junction with state route number 31 at Newport, thence easterly to the Washington-Idaho boundary line, thence southerly along said boundary line to Fourth Street in Newport.

NEW SECTION. Sec. 3. A state highway to be known as state route number 3 is established as follows:

Beginning at a junction with state route number 101 at Shelton, thence northeasterly to a junction with state route number 302 at Allyn; also

From that junction with state route number 302 at Allyn, thence northeasterly to a junction with state route number 106 in the vicinity of Belfair; also

From that junction with state route number 106 in the vicinity of Belfair, thence northeasterly by the most feasible route to Bremer-

ton, thence northerly and easterly by the most feasible route in the vicinity of Poulsbo to a junction with state route number 104 in the vicinity of Port Gamble.

NEW SECTION. Sec. 4. A state highway to be known as state route number 4 is established as follows:

Beginning at a junction with state route number 101 in the vicinity of a location known as Johnson's Landing, in Pacific county, thence southeasterly by the most feasible route by way of Kelso to a junction with state route number 5.

NEW SECTION. Sec. 5. A state highway to be known as state route number 5 is established as follows:

Beginning at the Washington-Oregon boundary line on the interstate bridge over the Columbia river at Vancouver, thence northerly by way of Kelso, Chehalis, Centralia, Olympia, Tacoma, Seattle, Everett and Mt. Vernon, thence northwesterly to the east of Lake Samish, thence northeasterly and northerly by way of Bellingham to the international boundary line in the vicinity of Blaine in Whatcom county.

NEW SECTION. Sec. 6. A state highway to be known as state route number 6 is established as follows:

Beginning at a junction with state route number 101 at Raymond, thence easterly by the most feasible route to a junction with state route number 5 at Chehalis.

NEW SECTION. Sec. 7. A state highway to be known as state route number 7 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Morton, thence northerly to a junction with state route number 706 at Elbe; also

From that junction with state route number 706 at Elbe, thence northerly to a junction with state route number 5 at Tacoma.

NEW SECTION. Sec. 8. A state highway to be known as state route number 8 is established as follows:

Beginning at a junction with state route number 12 in the

vicinity of Elma, thence easterly by the most feasible route to a junction with state route number 101 at Tumwater.

NEW SECTION. Sec. 9. A state highway to be known as state route number 9 is established as follows:

Beginning at a junction with state route number 522 north of Woodinville, thence northerly by way of Snohomish, Arlington and Sedro Woolley to a junction with state route number 542, in the vicinity of Deming; also

Beginning at a junction with state route number 542, in the vicinity of Lawrence, thence northerly to the international boundary at Sumas.

NEW SECTION. Sec. 10. A state highway to be known as state route number 10 is established as follows:

Beginning at a junction with state route number 97 at Teanaway at mile 0.0, thence easterly by the most feasible route to a junction with an off ramp of state route number 90 in the vicinity west of Ellensburg, mile 20.0.

NEW SECTION. Sec. 11. A state highway to be known as state route number 11 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Mt. Vernon, thence northerly by way of Blanchard to a junction with state route number 5 at Bellingham.

NEW SECTION. Sec. 12. A state highway to be known as state route number 12 is established as follows:

Beginning at a junction with state route number 101 at Aberdeen, thence easterly by way of Montesano and Elma to a junction with state route number 8 in the vicinity of Elma; also

From that junction with state route number 8 in the vicinity of Elma, thence southeasterly to a junction with state route number 5 in the vicinity north of Centralia; also

Beginning at a junction with state route number 5 in the vicinity south of Chehalis, thence easterly by way of Morton and White Pass to a junction with state route number 410 northwest of Yakima;

also

From that junction with state route number 410 northwest of Yakima, thence southeasterly to a junction with state route number 82 at Yakima; also

Beginning at a junction with state route number 82 near Union Gap, thence southeasterly by the most feasible route by way of Pasco and Wallula to Walla Walla, thence northerly by way of Dayton to a junction with state route number 127 at Dodge; also

From that junction with state route number 127 in the vicinity of Dodge, thence easterly by the most feasible route by way of Pomeroy and Clarkston to the Washington-Idaho boundary line.

NEW SECTION. Sec. 13. A state highway to be known as state route number 14 is established as follows:

Beginning at a junction with state route number 5 at Vancouver, thence easterly by way of Stevenson to a junction with state route number 97 in the vicinity of Maryhill; also

Beginning at a junction with state route number 97 in the vicinity of Maryhill, thence easterly along the north bank of the Columbia river to the vicinity of Plymouth, thence northeasterly to a junction with state route number 12 in the vicinity of Kennewick.

NEW SECTION. Sec. 14. A state highway to be known as state route number 16 is established as follows:

Beginning at a junction with state route number 3 near the southwest end of Sinclair Inlet, thence northeasterly to a junction with state route number 160 in the vicinity west of Port Orchard; also

From that junction with state route number 160 in the vicinity west of Port Orchard, thence southeasterly by way of the Tacoma Narrows Bridge to a junction with state route number 5 at Tacoma.

NEW SECTION. Sec. 15. A state highway to be known as state route number 17 is established as follows:

Beginning at a junction with state route number 395 in the vicinity of Eltopia, thence northwesterly to a junction with state route number 90 in the vicinity of Moses Lake, thence northwesterly

to a junction with state route number 28 in the vicinity of Soap Lake; also

From that junction with state route number 28 in the vicinity of Soap Lake, thence northerly by the most feasible route to a junction with state route number 2 west of Coulee City; also

Beginning at a junction with state route number 2 in the vicinity west of Coulee City, thence northerly crossing the Columbia river in the vicinity of Bridgeport and the Chief Joseph dam, thence northwesterly on the north side of the Columbia river to a junction with state route number 97 east of Brewster.

NEW SECTION. Sec. 16. A state highway to be known as state route number 18 is established as follows:

Beginning at a junction with state route number 509 in the vicinity of northeast Tacoma, thence generally northeasterly by the most direct and feasible route by way of the vicinity of Milton and Auburn to a junction with state route number 90 at a point approximately four miles west of North Bend.

NEW SECTION. Sec. 17. A state highway to be known as state route number 20 is established as follows:

Beginning at a junction with state route number 536 east of Whitney, thence northeasterly and easterly by way of Burlington, Sedro Woolley, Concrete and Marbelmount to Diablo dam, thence easterly by the most feasible route by way of Twisp to a junction with state route number 153 in the vicinity south of Twisp; also

From that junction with state route number 153 in the vicinity south of Twisp, thence easterly by the most feasible route to a junction with state route number 97 in the vicinity south of Okanogan; also

Beginning at a wye connection with state route number 20 southwest of Okanogan, thence southwesterly to a junction with state route number 97 in the vicinity of Malott: PROVIDED, That until such times as state route number 20 from southwest of Okanogan to the vicinity of Malott is actually constructed on the location adopted by

the highway commission, no existing county roads shall be maintained or improved by the highway commission as a temporary route of said state route number 20; also

Beginning at a junction with state route number 20 in the vicinity of Okanogan, thence northeasterly on the west side of the Okanogan river to a junction with state route number 97 north of Omak.

NEW SECTION. Sec. 18. A state highway to be known as state route number 21 is established as follows:

Beginning at a junction with state route number 395 in the vicinity of Lind, thence northerly by the most feasible route by way of Odessa to a junction with state route number 2 in the vicinity west of Wilbur; also

Beginning at a junction with state route number 2 at Wilbur, thence northerly by the most feasible route to a junction with state route number 30 at Republic; also

Beginning at a junction with state route number 30 east of Republic, thence northeasterly by the most feasible route to the east of Curlew lake by way of Curlew to the international boundary line in the vicinity of Danville.

NEW SECTION. Sec. 19. A state highway to be known as state route number 22 is established as follows:

Beginning at a junction with state route number 12 southeast of Yakima, thence southerly to a junction of state route number 97 in the vicinity of Toppenish; also

From that junction with state route number 97 at Toppenish, thence southeasterly by way of Mabton to a junction with state route number 12 at Prosser.

NEW SECTION. Sec. 20. A state highway to be known as state route number 23 is established as follows:

Beginning at a junction with state route number 195 in the vicinity north of Colfax, thence northwesterly to a junction with state route number 230 in the vicinity of Ewan; also

From that junction with state route number 230 in the vicinity

west of Ewan, thence northwesterly to a junction with state route number 90 at Sprague; also

From that junction with state route number 90 at Sprague, thence northwesterly to a junction with state route number 28 at Harrington.

NEW SECTION. Sec. 21. A state highway to be known as state route number 24 is established as follows:

Beginning at a junction with state route number 82 at Yakima, thence easterly and northerly via Cold Creek and Vernita to a junction with state route number 26 in the vicinity of Othello.

NEW SECTION. Sec. 22. A state highway to be known as state route number 25 is established as follows:

Beginning at a junction with state route number 2 at Davenport, thence northerly by the most feasible route to a junction with state route number 395 in the vicinity of Kettle Falls, thence northeasterly by the most feasible route to international boundary line.

NEW SECTION. Sec. 23. A state highway to be known as state route number 26 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of the east end of the Vantage bridge, thence in a southerly direction parallel to the east bank of the Columbia river for a distance of approximately two and one-half miles, thence southeasterly to the vicinity of Othello, thence easterly to a junction with state route number 395, thence easterly to a junction with state route number 261 in the vicinity of Washtucna; also

From a junction with state route number 261 in the vicinity of Washtucna, thence easterly by way of La Crosse to a junction with state route number 127 in the vicinity of Dusty.

NEW SECTION. Sec. 24. A state highway to be known as state route number 27 is established as follows:

Beginning at a junction with state route number 195 at Pullman, thence northerly to a junction with state route number 271 in the vicinity of Oakesdale; also

From a junction with state route number 271 at Oakesdale, thence in a northerly direction by way of Tekoa, Latah, Fairfield and Rockford to a junction with state route number 90 in the vicinity of Opportunity.

NEW SECTION. Sec. 25. A state highway to be known as state route number 28 is established as follows:

Beginning at a junction with state route number 2 in the vicinity east of Wenatchee, thence southeasterly to a junction with state route number 281 at Quincy; also

From that junction with state route number 281 at Quincy, thence easterly by way of Ephrata and Odessa to a junction with state route number 2 at Davenport.

NEW SECTION. Sec. 26. A state highway to be known as state route number 30 is established as follows:

Beginning at a junction with state route number 97 at Tonasket, thence in an easterly direction to a junction with state route number 21 at Republic; also

From that junction with state route number 21 at Republic, thence easterly to a junction with state route number 21 to Curlew east of Republic; also

From that junction with state route number 21 to Curlew east of Republic, thence easterly to a junction with state route number 395 at the west end of Kettle Falls bridge.

NEW SECTION. Sec. 27. A state highway to be known as state route number 31 is established as follows:

Beginning at a junction with state route number 2 at Newport, thence northerly by way of Metaline Falls to the international boundary.

NEW SECTION. Sec. 28. A state highway to be known as state route number 82 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Ellensburg, thence southerly by the most feasible route by way of Yakima to a junction with state route number 12 at Union Gap;

also

From that junction with state route number 12 in the vicinity of Union Gap, thence southeasterly to a suitable crossing of the Columbia river to connect with a public roadway within the state of Oregon known as 80N.

NEW SECTION. Sec. 29. A state highway to be known as state route number 90 is established as follows:

Beginning at the intersection of the west approach to the Lake Washington bridge at Rainier Avenue in Seattle in King county, thence easterly by the most feasible route by way of Lake Washington bridge and approaches crossing Lake Washington and Mercer Island to the east shore of Lake Washington, thence easterly by the most feasible route by way of North Bend, Snoqualmie Pass and Cle Elum to a junction with state route number 97 in the vicinity east of Cle Elum; also

From that junction with state route number 97 in the vicinity east of Cle Elum, thence southeasterly by the most feasible route to a junction with state route number 82 in the vicinity of Ellensburg; also

From that junction with state route number 82 in the vicinity of Ellensburg, to Ellensburg, thence easterly by the most feasible route by way of a bridge across the Columbia river near Vantage to a junction with a wye junction of state route number 281 near Burke; also

From that junction with a wye junction of state route number 281 near Burke, thence easterly by way of Neppel to a junction with state route number 395 at Ritzville; also

From that junction with state route number 395 at Ritzville, thence northeasterly by the most feasible route by way of Sprague to a junction with state route number 2 in the vicinity west of Spokane; also

From that junction with state route number 2 in the vicinity west of Spokane, thence easterly by way of Spokane to the Washington-Idaho boundary line.

NEW SECTION. Sec. 30. A state highway to be known as state route number 92 is established as follows:

Beginning at a junction with state route number 9 northeast of Everett, thence northeasterly by the most feasible route to Granite Falls.

NEW SECTION. Sec. 31. A state highway to be known as state route number 95 is established as follows:

Beginning at the Washington-Idaho boundary line, thence northwesterly to a junction with state route number 195, thence northeasterly to the Washington-Idaho boundary line.

NEW SECTION. Sec. 32. A state highway to be known as state route number 97 is established as follows:

Beginning at the approach to the Biggs Rapids toll bridge across the Columbia river, thence in a northerly direction to the junction with state route number 14 in the vicinity of Maryhill; also

From that junction with state route number 14 in the vicinity of Maryhill, thence in a northerly direction by way of Goldendale, thence northeasterly by way of Satus Pass to a junction with state route number 22 at Toppenish; also

From that junction with state route number 22 at Toppenish, thence northwesterly south of the Yakima river to a junction with state route number 82 at Union Gap; also

Beginning at a junction with state route number 82 in the vicinity north of Yakima, thence northerly to a junction with state route number 90 in the vicinity of Ellensburg; also

Beginning at a junction with state route number 90 in the vicinity east of Cle Elum, thence northeasterly by the most feasible route by way of Blowett Pass to a junction with state route number 2 in the vicinity of Peshastin; also

Beginning at a junction with state route number 2 in the vicinity northwest of Wenatchee, thence northerly on the west side of the Columbia river by way of Chelan, Pateros and Brewster, Okanogan and Oroville to the international boundary line.

NEW SECTION. Sec. 33. Notwithstanding any other provision of law:

That part of former primary state highway No. 1 (Pacific Highway), between the northerly city limits of Everett and the southerly city limits of Marysville which shall be known as state route number 528, and that part of former primary state highway No. 1 (Pacific Highway) from a junction with state route number 516 at Midway, thence northerly by way of Seattle to a junction with state route number 5 at Broadway Interchange in Everett which shall be known as state route number 99, shall remain a part of the state highway system until July 1, 1971.

That part of former primary state highway No. 1 (Pacific Highway) from a junction with state route number 509 in Tacoma, thence easterly and northerly to a junction with state route number 516 at Midway shall be reinstated as part of the state highway system, and shall be known as state route number 99.

The joint committee on highways and the Washington state highway commission shall undertake appropriate studies to evaluate these portions of former primary state highway No. 1 (Pacific Highway), to determine whether or not they should permanently remain on the state highway system.

NEW SECTION. Sec. 34. A state highway to be known as state route number 101 is established as follows:

Beginning at the Oregon boundary on the interstate bridge at Point Ellis, thence northwesterly by the most feasible route by way of Ilwaco to a junction with state route number 4 in the vicinity of a location known as Johnson's Landing in Pacific county; also

From that junction with state route number 4 in the vicinity of a location known as Johnson's Landing, in Pacific county, thence northerly by the most feasible route by way of South Bend to a junction with state route number 6 at Raymond; also

From that junction with state route number 6 at Raymond, thence northerly by the most feasible route by way of Cosmopolis to a junc-

tion with state route number 12 at Aberdeen; also

From that junction with state route number 12 at Aberdeen, thence westerly to Hoquiam, thence northwesterly by way of Lake Quinault to Forks, thence easterly by way of Port Angeles to the vicinity of Discovery Bay, thence southerly by way of Shelton to a junction with state route number 5 in the vicinity west of Olympia; also

Beginning at a junction with state route number 101 in the vicinity east of Ilwaco, thence northerly by the most feasible route to a junction with state route number 101 in the vicinity northeast of Ilwaco.

NEW SECTION. Sec. 35. A state highway to be known as state route number 103 is established as follows:

Beginning at a junction with state route number 101 at Seaview, thence northerly by the most feasible route by way of Long Beach to Ocean Park.

NEW SECTION. Sec. 36. A state highway to be known as state route number 104 is established as follows:

Beginning at a junction with state route number 101 in the vicinity south of Discovery Bay, thence southeasterly to the vicinity of Shine on Hood Canal, thence crossing Hood Canal to a junction with state route number 3 in the vicinity of Port Gamble; also

From that junction with state route number 3 in the vicinity of Port Gamble, thence to Port Gamble, thence southerly and easterly to Kingston; also

Beginning at Edmonds, thence southeasterly to a junction with state route number 99 in the vicinity of the Snohomish-King county line; also

Beginning at a junction with state route number 99 in the vicinity of the Snohomish-King county line, thence southeasterly to a junction with state route number 522 in the vicinity of Lake Forest Park.

NEW SECTION. Sec. 37. A state highway to be known as state

route number 105 is established as follows:

Beginning at a junction with state route number 101 at Raymond, thence westerly by the most feasible route by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also

Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly by the most feasible route to a junction with state route number 101 at Aberdeen.

NEW SECTION. Sec. 38. A state highway to be known as state route number 106 is established as follows:

Beginning at a junction with state route number 101 near the mouth of the Skokomish river, thence northeasterly along the southeast shore of Hood Canal to a junction with state route number 3 in the vicinity of Belfair.

NEW SECTION. Sec. 39. A state highway to be known as state route number 107 is established as follows:

Beginning at a junction with state route number 101 north of Artic, thence northeasterly to a junction with state route number 12 at Montesano.

NEW SECTION. Sec. 40. A state highway to be known as state route number 108 is established as follows:

Beginning at a junction with state route number 12 in the vicinity west of McCleary, thence northeasterly to a junction with state route number 101 south of Shelton.

NEW SECTION. Sec. 41. A state highway to be known as state route number 109 is established as follows:

Beginning at a junction with state route number 101 in Hoquiam, thence northwesterly by way of Ocean City, Copalis, Pacific Beach and Moclips to a junction with state route number 101 in the vicinity of Queets.

NEW SECTION. Sec. 42. A state highway to be known as state route number 110 is established as follows:

Beginning at a junction with state route number 11 in the vicinity of Donovan Avenue in the city of Bellingham, thence easterly

by the most feasible route to a junction with state route number 5 at Lindsay Avenue in the city of Bellingham.

NEW SECTION. Sec. 43. A state highway to be known as state route number 111 is established as follows:

Beginning at the north boundary of the Olympic National Park, thence northerly to a junction with state route number 101 in Port Angeles: PROVIDED, That state route number 111 shall only be established and known as a state highway until the parkway and highway established by sections 26 through 31 of chapter 3, Laws of 1963 shall be open to the public.

NEW SECTION. Sec. 44. A state highway to be known as state route number 112 is established as follows:

Beginning at Neah Bay, thence easterly by way of Clallam Bay and Pysht to a junction with state route number 101 in or near Port Angeles.

NEW SECTION. Sec. 45. A state highway to be known as state route number 113 is established as follows:

Beginning at a junction with state route number 101 in the vicinity of Discovery Bay, thence northeasterly to Port Townsend; also

From the Keystone ferry slip, thence easterly to a junction with state route number 525 in the vicinity easterly of the Keystone ferry slip.

NEW SECTION. Sec. 46. A state highway to be known as state route number 121 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Rochester, thence easterly and northeasterly to a junction with state route number 5 in the vicinity of Maytown.

NEW SECTION. Sec. 47. A state highway to be known as state route number 123 is established as follows:

Beginning at a junction with state route number 12 in the vicinity west of White Pass, thence northerly to a junction with state route number 410 in the vicinity west of Chinook Pass.

NEW SECTION. Sec. 48. A state highway to be known as state

route number 124 is established as follows:

Beginning at a junction with state route number 395 in the vicinity of Burbank, thence northeasterly by the most feasible route to a point in the vicinity of Eureka, thence easterly by the most feasible route to a junction with state route number 125 in the vicinity of Prescott; also

From that junction with state route number 125 in the vicinity of Prescott, thence easterly to a junction with state route number 12 in the vicinity northeast of Waitsburg.

That portion of state route number 124 lying between the junction with state route number 12 and the county road to Ice Harbor Dam to be known as "Ice Harbor Drive".

NEW SECTION. Sec. 49. A state highway to be known as state route number 125 is established as follows:

Beginning at the Washington-Oregon boundary line south of Walla Walla, thence northerly to a junction with state route number 12 at Walla Walla; also

From that junction with state route number 12 at Walla Walla thence northerly to a junction with state route number 124 at Prescott.

NEW SECTION. Sec. 50. A state highway to be known as state route number 126 is established as follows:

Beginning at a junction with state route number 12 in the vicinity north of Dayton, thence northeasterly to a junction with state route number 12 in the vicinity west of Pomeroy.

NEW SECTION. Sec. 51. A state highway to be known as state route number 127 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Dodge, thence northerly to a junction with state route number 195 at Colfax.

NEW SECTION. Sec. 52. A state highway to be known as state route number 128 is established as follows:

Beginning at a junction with state route number 12 at Pomeroy,

thence southeasterly to Peola, thence northeasterly to a junction with state route number 12 in the vicinity west of Clarkston.

NEW SECTION. Sec. 53. A state highway to be known as state route number 129 is established as follows:

Beginning at the Washington-Oregon boundary line in Asotin county, thence northerly by the most feasible route by way of Asotin to a junction with state route number 12 at Clarkston.

NEW SECTION. Sec. 54. A state highway to be known as state route number 131 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Woldale, thence northwesterly to a junction with state route number 97 in the vicinity of Virden.

NEW SECTION. Sec. 55. A state highway to be known as state route number 140 is established as follows:

Beginning at a junction with state route number 14 at Washougal, thence northerly and easterly by the most feasible route following the general course of the Washougal river to a junction with state route number 14 east of Washougal.

NEW SECTION. Sec. 56. A state highway to be known as state route number 141 is established as follows:

Beginning at a wye junction with state route number 14, the west branch in the vicinity east of Underwood and the east branch in the vicinity of White Salmon, thence northerly to the boundary of the Gifford Pinchot National Forest.

NEW SECTION. Sec. 57. A state highway to be known as state route number 142 is established as follows:

Beginning at a junction with state route number 14 in the vicinity of Lyle, thence northeasterly by way of Klickitat to a junction with state route number 97 in the vicinity of Goldendale.

NEW SECTION. Sec. 58. A state highway to be known as state route number 150 is established as follows:

Beginning at Manson, thence southeasterly to the north of Lake Chelan to a junction with state route number 97 at Chelan.

NEW SECTION. Sec. 59. A state highway to be known as state route number 151 is established as follows:

Beginning at a junction with state route number 2 in the vicinity of Orondo, thence northerly crossing the Columbia river in the vicinity of Chelan Station to a wye junction with state route number 97 in the vicinity east of Chelan; also

Beginning at a junction with state route number 151 in the vicinity of Chelan Station, thence northerly to a junction with state route number 97 in the vicinity south of Azwell.

NEW SECTION. Sec. 60. A state highway to be known as state route number 153 is established as follows:

Beginning at a junction with state route number 97 in the vicinity of Pateros, thence northerly and westerly by the most feasible route to a junction with state route number 20 in the vicinity south of Twisp.

NEW SECTION. Sec. 61. A state highway to be known as state route number 155 is established as follows:

Beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence northeasterly to the boundary of the federal reservation at the Grand Coulee dam; also

Beginning at the boundary of the federal reservation at the Grand Coulee dam, thence northwesterly by the most feasible route by way of Nespelem and Disautel to a junction with state route number 97 at Omak; also

Beginning at a junction with state route number 155 at Omak, thence northwesterly crossing the Okanogan river to a junction with state route number 20 at Omak.

NEW SECTION. Sec. 62. A state highway to be known as state route number 160 is established as follows:

Beginning at a junction with state route number 16 in the vicinity west of Port Orchard, thence northeasterly by way of Port Orchard to Harper and Point Southworth.

NEW SECTION. Sec. 63. A state highway to be known as state

route number 161 is established as follows:

Beginning at a junction with state route number 7 in the vicinity of La Grande, thence northeasterly to Eatonville, thence northerly to a junction with state route number 410 at Puyallup; also

From a junction with state route number 410 at Puyallup northerly to a junction with state route number 5.

NEW SECTION. Sec. 64. A state highway to be known as state route number 162 is established as follows:

Beginning at a junction with state route number 410 at Puyallup, thence southerly to Orting, thence northeasterly to a junction with state route number 165 in the vicinity south of Buckley.

NEW SECTION. Sec. 65. A state highway to be known as state route number 164 is established as follows:

Beginning at an interchange of state route number 18 and the Auburn-Black Diamond road in the vicinity of Auburn, thence southerly to an intersection with southeast 356th street in the vicinity of Auburn Academy, thence southcasterly to a junction with state route number 410 at Enumclaw.

At such time that the section of state route number 164, between its intersection with the Auburn-Black Diamond road and its intersection with southeast 356th street, is constructed and open to traffic, that section of state route number 164, between southeast 356th street in Auburn and the intersection of state route number 18 and "C" street northeast in Auburn will be certified back to the local agencies.

NEW SECTION. Sec. 66. A state highway to be known as state route number 165 is established as follows:

Beginning at the northwest entrance to Mt. Rainier National Park, thence northerly to a junction with state route number 410 at Buckley.

NEW SECTION. Sec. 67. A state highway to be known as state route number 167 is established as follows:

Beginning at a junction with state route number 5 in the vi-

cinity of Tacoma, thence easterly by way of Sumner, thence northerly to a junction with state route number 18 at Auburn; also

From that junction with state route number 18 at Auburn, thence northerly by way of the vicinity of Renton and Bryn Mawr to Seattle; also

From a junction with state route number 18 at Auburn northerly to the north city limits of Kent.

Notwithstanding any other provision of law, that portion of existing state route number 167 now lying between the north city limits of Kent and state route number 18 in the vicinity of Auburn shall remain as a part of state route number 167 until such time as the new route of state route number 167 lying between the north city limits of Kent and state route number 18 in the vicinity of Auburn has been completed in its entirety and is open to traffic.

NEW SECTION. Sec. 68. A state highway to be known as state route number 168 is established as follows:

Beginning at a junction with state route number 410 in the vicinity of the junction of the Greenwater and White rivers, thence easterly to a junction with state route number 410 in the vicinity north of Cliffdell.

NEW SECTION. Sec. 69. A state highway to be known as state route number 169 is established as follows:

Beginning at a junction with state route number 410 at Enumclaw, thence northwesterly by way of Summit to a junction with state route number 405 in the vicinity of Renton.

NEW SECTION. Sec. 70. A state highway to be known as state route number 170 is established as follows:

Beginning at a junction with state route number 17 west of Warden, thence easterly to Warden.

NEW SECTION. Sec. 71. A state highway to be known as state route number 171 is established as follows:

Beginning at a junction with state route number 90 west of Moses Lake, thence northeasterly by way of Moses Lake to a junction

with state route number 28 in the vicinity west of Odessa: PROVIDED, That until such times as state route number 171 is actually constructed on the location adopted by the highway commission, no existing county roads shall be maintained or improved by the highway commission as a temporary route of said state route number 171.

NEW SECTION. Sec. 72. A state highway to be known as state route number 172 is established as follows:

Beginning at a junction with state route number 2 in the vicinity of Waterville, thence northerly and easterly by the most feasible route by way of Mansfield to a junction with state route number 17 in the vicinity of Leahy.

NEW SECTION. Sec. 73. A state highway to be known as state route number 173 is established as follows:

Beginning at a junction with state route number 17 at Bridgeport thence northwesterly on the south side of the Columbia river to a junction with state route number 97 in the vicinity of Brewster.

NEW SECTION. Sec.74. A state highway to be known as state route number 174 is established as follows:

Beginning at a junction with state route number 17 east of Bridgeport, thence easterly by the most feasible route to the boundary of the federal reservation at Grand Coulee dam; also

Beginning at a junction with state route number 155 at Grand Coulee, thence southeasterly to a junction with state route number 21 in the vicinity north of Wilbur; also

A spur beginning at a junction with state route number 174 in the vicinity of the boundary of the federal reservation at the Grand Coulee dam and extending to Crown Point.

NEW SECTION. Sec. 75. A state highway to be known as state route number 181 is established as follows:

Beginning at a junction with state route number 18 in the vicinity west of Auburn, thence northerly to a junction with state route number 99 south of Seattle.

NEW SECTION. Sec. 76. A state highway to be known as state

route number 193 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Clarkston, thence westerly and northerly by way of Steptoe canyon to a junction of state route number 195 in the vicinity of Colton: PROVIDED, That until such time as state route number 193 between Colton and Clarkston is actually constructed on the location adopted by the highway commission no existing county roads shall be maintained or improved by the highway commission as a temporary route of said state route number 193.

NEW SECTION. Sec. 77. A state highway to be known as state route number 195 is established as follows:

Beginning at a junction with state route number 95 southeast of Uniontown near the Washington-Idaho boundary line, thence northwesterly to a junction with state route number 27 at Pullman; also

From that junction with state route number 27 at Pullman, thence northwesterly by the most feasible route to a junction with state route number 127 at Colfax; also

From that junction with state route number 127 at Colfax, thence in a northerly direction by the most feasible route by way of Rosalia to a junction with state route number 90 at Spokane.

NEW SECTION. Sec. 78. A state highway to be known as state route number 202 is established as follows:

Beginning at a junction with state route number 522 near Bothell, thence southeasterly by the most feasible route to a junction with state route number 90 in the vicinity west of Snoqualmie Pass.

NEW SECTION. Sec. 79. A state highway to be known as state route number 203 is established as follows:

Beginning at a junction with state route number 202 at Fall City, thence northerly by the most feasible route by way of Duvall to a junction with state route number 2 at Monroe.

NEW SECTION. Sec. 80. A state highway to be known as state route number 204 is established as follows:

Beginning at a junction with state route number 2 in the vicinity east of Everett, thence northeasterly by the most feasible route to a junction with state route number 9.

NEW SECTION. Sec. 81. A state highway to be known as state route number 205 is established as follows:

Beginning at the Washington-Oregon boundary line in the vicinity east of Vancouver, thence northwesterly to a junction with state route number 5 in the vicinity of Salmon Creek, north of Vancouver.

NEW SECTION. Sec. 82. A state highway to be known as state route number 206 is established as follows:

Beginning at a junction with state route number 2 near the north line of section 3, township 26N, range 43E, thence northeasterly to a point in section 28, township 28N, range 45E at the entrance to Mt. Spokane State Park.

NEW SECTION. Sec. 83. A state highway to be known as state route number 207 is established as follows:

Beginning at a junction with state route number 2 in the vicinity north of Winton, thence northerly to a junction with state route number 209 at Lake Wenatchee; also

From that junction with state route number 209 at Lake Wenatchee, thence northwesterly by the most feasible route on the north side of Lake Wenatchee to Telma.

NEW SECTION. Sec. 84. A state highway to be known as state route number 209 is established as follows:

Beginning at Leavenworth on state route number 2, thence northerly by the most feasible route to a junction with state route number 207 at Lake Wenatchee.

NEW SECTION. Sec. 85. A state highway to be known as state route number 220 is established as follows:

Beginning at Old Fort Simcoe, thence easterly by way of White Swan to a junction with state route number 97 at Toppenish.

NEW SECTION. Sec. 86. A state highway to be known as state route number 221 is established as follows:

Beginning at a junction with state route number 14 in the vicinity of Patterson, thence northerly to a junction with state route number 22 in the vicinity of Prosser.

NEW SECTION. Sec. 87. A state highway to be known as state route number 223 is established as follows:

Beginning at a junction with state route number 22 in the vicinity southeast of Toppenish, thence easterly to a junction with state route number 12 in the vicinity of Granger. The establishment of state route number 223 as defined in this section shall be effective July 1, 1965.

NEW SECTION. Sec. 88. A state highway to be known as state route number 224 is established as follows:

Beginning at a junction with state route number 12 at Kiona, thence northeasterly to a junction with state route number 240 at Richland.

NEW SECTION. Sec. 89. A state highway to be known as state route number 230 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Ritzville, thence easterly by the most feasible route to a junction with state route number 23 in the vicinity of Ewan.

NEW SECTION. Sec. 90. A state highway to be known as state route number 231 is established as follows:

Beginning at a junction with state route number 23 in the vicinity northwest of Sprague, thence northerly by way of Edwall to a junction with state route number 2 in the vicinity west of Reardan; also

Beginning at a junction with state route number 2 in the vicinity of Reardan, thence northerly by way of Long Lake across the Spokane river, thence northeasterly by way of Springdale to a junction with state route number 395 in the vicinity of Chewelah.

NEW SECTION. Sec. 91. A state highway to be known as state route number 232 is established as follows:

Beginning at a point approximately one mile south of Valley,

thence easterly one and one-half miles to a junction with state route number 395.

NEW SECTION. Sec. 92. A state highway to be known as state route number 240 is established as follows:

Beginning at a junction with state route number 24 in the vicinity east of Cold Creek, thence southeasterly by the most feasible route across the Atomic Energy Commission Reservation to a junction with state route number 224 at Richland; also

From that junction with state route number 224 at Richland, thence southeasterly to a wye junction with state route number 12 at Richland. The director may enter into negotiations with appropriate federal agencies to secure right of way for said highway over and across the Atomic Energy Commission Reservation.

NEW SECTION. Sec. 93. A state highway to be known as state route number 241 is established as follows:

Beginning at a junction with state route number 12 approximately one mile east of Sunnyside, thence northeasterly to a junction with state route number 24.

NEW SECTION. Sec. 94. A state highway to be known as state route number 243 is established as follows:

Beginning at a junction with state route number 24 north of its crossing of the Columbia river, thence westerly and northerly by way of Arrowsmith and Beverly to a junction with state route number 26 south of the Columbia river bridge at Vantage.

NEW SECTION. Sec. 95. A state highway to be known as state route number 251 is established as follows:

Beginning at a junction with state route number 25 at Northport, thence northeasterly by the most feasible route to the international boundary in the vicinity of Boundary.

NEW SECTION. Sec. 96. A state highway to be known as state route number 260 is established as follows:

Beginning at a junction with state route number 17 west of Connell, thence easterly to a junction with state route number 395 in

the vicinity of Connell, thence northeasterly by way of Kahlotus to a junction with state route number 26 at Washtucna.

NEW SECTION. Sec. 97. A state highway to be known as state route number 261 is established as follows:

Beginning at a junction with state route number 12 at Delaney, thence northwesterly to a junction with state route number 26 in the vicinity of Washtucna: PROVIDED, That until such time as state route number 261 between Washtucna and Delaney is actually constructed on the location adopted by the highway commission no existing county roads shall be maintained or improved by the highway commission as a temporary route of said state route number 261; also

Beginning at a junction with state route number 26 at Washtucna, thence northerly to a junction at Ritzville on state route number 90.

NEW SECTION. Sec. 98. A state highway to be known as state route number 270 is established as follows:

Beginning at a junction with state route number 195 at Pullman, thence easterly by the most feasible route to a point on the Washington-Idaho boundary line.

NEW SECTION. Sec. 99. A state highway to be known as state route number 271 is established as follows:

Beginning at a junction with state route number 27 in the vicinity of Oakesdale, thence northwesterly to a junction with state route number 195 in the vicinity south of Rosalia.

NEW SECTION. Sec. 100. A state highway to be known as state route number 272 is established as follows:

Beginning at a junction with state route number 195 at Colfax, thence easterly to a junction with state route number 27 at Palouse; also

Beginning at a junction with state route number 27 at Palouse, thence northeasterly by the most feasible route to a point on the Washington-Idaho boundary line.

NEW SECTION. Sec. 101. A state highway to be known as state

route number 274 is established as follows:

Beginning at a junction with state route number 27 at Tekoa, thence easterly to the Washington-Idaho boundary line.

NEW SECTION. Sec. 102. A state highway to be known as state route number 281 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of George, thence northerly to a junction with state route number 28 at Quincy.

NEW SECTION. Sec. 103. A state highway to be known as state route number 282 is established as follows:

Beginning at a junction with state route number 28 in the vicinity of Ephrata, thence southeasterly to a junction with state route number 17 in the vicinity of Rocky Ford creek.

NEW SECTION. Sec. 104. A state highway to be known as state route number 283 is established as follows:

Beginning at a junction with state route number 281 in the vicinity of Burke Junction, thence northeasterly by the most feasible route to a junction with state route number 23 in the vicinity west of Ephrata.

NEW SECTION. Sec. 105. A state highway to be known as state route number 290 is established as follows:

Beginning at a junction with state route number 2 in Spokanc, thence northeasterly by way of Millwood, Trentwood, and Newman Lake to the termination of Idaho state highway number 53 at the Washington-Idaho boundary line.

NEW SECTION. Sec. 106. A state highway to be known as state route number 291 is established as follows:

Beginning at a junction with state route number 2 in Spokane, thence northwesterly along the north bank of the Spokane river to a point in Stevens county across the Spokane river from the Riverside State Park at the boundary line common to Stevens and Spokane counties.

NEW SECTION. Sec. 107. A state highway to be known as state

route number 292 is established as follows:

Beginning at a junction with state route number 231 at Springdale, thence easterly to a junction with state route number 395 in the vicinity of Loon Lake.

NEW SECTION. Sec. 108. A state highway to be known as state route number 294 is established as follows:

Beginning at a junction with state route number 395 in Colville, thence northeasterly by the most feasible route to a junction with state route number 31 at Tiger.

NEW SECTION. Sec. 109. A state highway to be known as state route number 300 is established as follows:

Beginning at the western boundary of the Belfair State Park, thence generally easterly to a junction with state route number 3 at Belfair.

NEW SECTION. Sec. 110. A state highway to be known as state route number 302 is established as follows:

Beginning at a junction with state route number 3 in the vicinity of Belfair, thence generally easterly to a junction with state route number 16 in the vicinity of Purdy.

NEW SECTION. Sec. 111. A state highway to be known as state route number 303 is established as follows:

Beginning at a junction with state route number 304 at Bremerton, thence northerly by way of the Manette bridge, across the Port Washington Bay Narrows to a junction with state route number 303 in the vicinity west of Keyport, thence to Keyport; also

From that junction with state route number 303, in the vicinity west of Keyport, thence westerly to a junction with state route number 3; also

Beginning at a junction with state route number 304, thence by way of the Warren Avenue bridge across the Port Washington Narrows and approaches thereto northerly to a junction with state route number 303, all within Bremerton.

NEW SECTION. Sec. 112. A state highway to be known as state

route number 304 is established as follows:

Beginning at a junction with state route number 3 in Bremerton, thence easterly to the ferry terminal in Bremerton.

NEW SECTION. Sec. 113. A state highway to be known as state route number 305 is established as follows:

Beginning at the ferry terminal in Winslow, thence northerly by the most feasible route to the north end of Bainbridge Island, across Agate Pass, thence northwesterly by the most feasible route to a junction with state route number 3 in the vicinity north of Poulsbo.

NEW SECTION. Sec. 114. A state highway to be known as state route number 306 is established as follows:

Beginning at a junction with state route number 303 in the vicinity north of East Bremerton, thence easterly by the most feasible route to Illahee State Park.

NEW SECTION. Sec. 115. A state highway to be known as state route number 311 is established as follows:

Beginning at a junction with state route number 2 southwest of Newport, thence northerly by the most feasible route by way of Sacheen Lake to a junction with state route number 31 at Usk.

NEW SECTION. Sec. 116. A state highway to be known as state route number 395 is established as follows:

Beginning at the Washington-Oregon boundary line, thence northeasterly to a junction with state route number 12 at Wallula; also

Beginning at a junction with state route number 12 at Pasco, thence northeasterly by the most feasible route by way of Connell and Lind to a junction with state route number 90 at Ritzville; also

Beginning at a junction with state route number 2 in the vicinity north of Spokane, thence northerly by the most feasible route by way of Colville to the international boundary line in the vicinity of Laurier.

NEW SECTION. Sec. 117. A state highway to be known as state

route number 401 is established as follows:

Beginning at Point Ellice on state route number 101, thence easterly and northerly to a junction with state route number 4 in the vicinity north of Naselle.

NEW SECTION. Sec. 118. A state highway to be known as state route number 402 is established as follows:

Beginning at a junction with state route number 4 in the vicinity of Grays river, thence northeasterly to a junction with state route number 6 in the vicinity of Pe Ell: PROVIDED, That this highway designation shall not become effective until the location of the proposed lower Columbia river bridge is determined and construction thereof undertaken and the further determination by resolution of the state highway commission that this route is desirable to serve traffic for such bridge.

NEW SECTION. Sec. 119. A state highway to be known as state route number 403 is established as follows:

Beginning at the shore of the Columbia river, thence northerly by the most feasible route to a junction with state route number 4 in the vicinity west of Grays river.

NEW SECTION. Sec. 120. A state highway to be known as state route number 405 is established as follows:

Beginning at a junction with state route number 5 in the vicinity south of Seattle, thence northeasterly to Renton, thence northerly east of Lake Washington to a junction with state route number 5 north of Seattle.

NEW SECTION. Sec. 121. A state highway to be known as state route number 407 is established as follows:

Beginning at a junction with state route number 4 in the vicinity north of Cathlamet, thence northeasterly by the most feasible route following the general course of the Elokomin river to the vicinity of its confluence with the west fork of the Elokomin river.

NEW SECTION. Sec. 122. A state highway to be known as state route number 409 is established as follows:

Beginning at the South Ferry landing, as now located, or as it may be relocated, on the south side of Puget Island, thence generally northerly by the most feasible route to the Puget Island bridge, thence crossing said bridge to a junction with state route number 4 at the north approach of said bridge at the town of Cathlamet: PROVIDED, That the state of Washington shall not assume or pay any bond or bonds outstanding against said bridge, or interest on said bonds, but said bond or bonds, and interest thereon, shall remain the sole obligation of the obligors named on said bonds.

NEW SECTION. Sec. 123. A state highway to be known as state route number 410 is established as follows:

Beginning at a junction with state route number 167 at Sumner, thence easterly to a junction with state route number 165 in the vicinity of Buckley; also

From that junction with state route number 165 in the vicinity of Buckley, thence northerly to a junction with state route number 164 at Enumclaw; also

From that junction with state route number 164 at Enumclaw thence southeasterly by way of Chinook Pass, to a junction with state route number 12 northwest of Yakima.

NEW SECTION. Sec. 124. A state highway to be known as state route number 411 is established as follows:

Beginning at a junction with state route number 4 in West Kelso, thence northerly to a junction with state route number 506 in the vicinity of Vader.

NEW SECTION. Sec. 125. A state highway to be known as state route number 431 is established as follows:

Beginning at a junction with state route number 4 in Kelso, thence northeasterly to a junction with state route number 5.

NEW SECTION. Sec. 126. A state highway to be known as state route number 432 is established as follows:

Beginning at a junction with state route number 4 at Longview thence southeasterly by the most feasible route to a junction with

state route number 5 south of Kelso.

NEW SECTION. Sec. 127. A state highway to be known as state route number 433 is established as follows:

Beginning at the Washington-Oregon boundary on the interstate bridge at Longview, thence northerly by the most feasible route to a junction with state route number 4 at a point where it intersects with Oregon Way in the city of Longview.

NEW SECTION. Sec. 128. A state highway to be known as state route number 500 is established as follows:

Beginning at a junction with state route number 5 at Vancouver, thence northeasterly to Orchards, thence southeasterly to a junction with state route number 14 at Camas.

NEW SECTION. Sec. 129. A state highway to be known as state route number 501 is established as follows:

Beginning at a junction with state route number 5 at Vancouver, thence northerly by way of the lower river road and an extension thereof to Ridgefield, thence easterly to a junction with state route number 5 in the vicinity south of La Center: PROVIDED, That the state department of highways may enter into an agreement with the Port of Vancouver, and/or Clark county and/or the United States Army Engineers to obtain material dredged from the Columbia river and have the same stockpiled at no expense to the state.

NEW SECTION. Sec. 130. A state highway to be known as state route number 502 is established as follows:

Beginning at a junction with state route number 5 in the vicinity north of Vancouver, thence easterly to a junction with state route number 503 at Battleground.

NEW SECTION. Sec. 131. A state highway to be known as state route number 503 is established as follows:

Beginning at a junction with state route number 500 at Orchards, thence northerly to a junction with state route number 502 at Battleground; also

From that junction with state route number 502 at Battleground,

thence northerly to Amboy, thence westerly to a junction with state route number 5 in the vicinity north of Woodland.

NEW SECTION. Sec. 132. A state highway to be known as state route number 504 is established as follows:

Beginning at a junction with state route number 5 in the vicinity north of Castle Rock, thence easterly by way of St. Helens and Spirit Lake to Mt. St. Helens.

NEW SECTION. Sec. 133. A state highway to be known as state route number 505 is established as follows:

Beginning at a junction with state route number 5 west of Toledo, thence via Toledo, easterly and southerly to a junction with state route number 504 in the vicinity north of Toutle.

NEW SECTION. Sec. 134. A state highway to be known as state route number 506 is established as follows:

Beginning at Ryderwood, thence by way of Vader northeasterly to a junction with state route number 5 west of Toledo.

NEW SECTION. Sec. 135. A state highway to be known as state route number 507 is established as follows:

Beginning at a junction with state route number 5 in Centralia, thence northerly by the most feasible route by way of Bucoda to Tenino, thence northeasterly by way of Rainier, Yelm and McKenna to a junction with state route number 7 in the vicinity south of Tacoma.

NEW SECTION. Sec. 136. A state highway to be known as state route number 508 is established as follows:

Beginning at a junction with state route number 5 south of Chehalis, thence easterly by way of Onalaska to a junction with state route number 7 at Morton.

NEW SECTION. Sec. 137. A state highway to be known as state route number 509 is established as follows:

Beginning at a junction with state route number 5 at Tacoma, thence northeasterly west of state route number 99 by way of Redondo to a junction with state route number 516 at Des Moines; also

From that junction with state route number 516 at Des Moines,

thence northerly to a junction with state route number 5 in Seattle.

NEW SECTION. Sec. 138. A state highway to be known as state route number 510 is established as follows:

Beginning at a junction with state route number 5, thence southeasterly via St. Clair to a junction with state route number 507 at Yelm.

NEW SECTION. Sec. 139. A state highway to be known as state route number 512 is established as follows:

Beginning at a junction with state route number 5 south of Tacoma, thence easterly to a junction with state route number 7 south of Tacoma, thence easterly to a junction with state route number 167 in the vicinity of Puyallup.

NEW SECTION. Sec. 140. A state highway to be known as state route number 513 is established as follows:

Beginning in Seattle, in the vicinity of the Naval Air Station at Sand Point, thence northwesterly in the vicinity of Lake Washington, thence easterly to a junction with state route number 5 in the vicinity north of Seattle.

NEW SECTION. Sec. 141. A state highway to be known as state route number 514 is established as follows:

Beginning at a junction with state route number 99 in the vicinity of Fife, thence easterly by way of Milton to a junction with state route number 161 in the vicinity east of Milton.

NEW SECTION. Sec. 142. A state highway to be known as state route number 515 is established as follows:

Beginning at a junction with state route number 516 in the vicinity east of Kent, thence northerly to a junction with state route number 900 in Renton.

NEW SECTION. Sec. 143. A state highway to be known as state route number 516 is established as follows:

Beginning at a junction with state route number 509 in the vicinity south of Des Moines, thence southeasterly to a junction with state route number 5; also

From that junction with state route number 5, thence easterly to a junction with state route number 167 in Kent, thence easterly to a junction with state route number 169 south of Maple Valley.

NEW SECTION. Sec. 144. A state highway to be known as state route number 518 is established as follows:

Beginning at a junction with state route number 509 near Sunndale, thence easterly to a junction with state route number 5 in the vicinity of Seattle.

NEW SECTION. Sec. 145. A state highway to be known as state route number 520 is established as follows:

Beginning at a junction with state route number 5 in Seattle, thence easterly via the Evergreen Point bridge to a junction with state route number 202 in the vicinity of Redmond.

NEW SECTION. Sec. 146. A state highway to be known as state route number 522 is established as follows:

Beginning at Seattle in King county, thence easterly by the most feasible route to the north of Lake Washington by way of Bothell to a junction with state route number 202 near Bothell; also

From that junction with state route number 202 near Bothell, thence northeasterly by the most feasible route to a junction with state route number 2 in the vicinity of Monroe.

NEW SECTION. Sec. 147. A state highway to be known as state route number 524 is established as follows:

Beginning at a junction with state route number 104 at Edmonds, thence northeasterly to a junction with state route number 5 in the vicinity of Lynnwood, thence easterly to a junction with state route number 527: PROVIDED, That until such times as state route number 524 east of Lynnwood is actually constructed on the location adopted by the highway commission, no existing county roads shall be maintained or improved by the highway commission as a temporary route of said state route number 524.

NEW SECTION. Sec. 148. A state highway to be known as state route number 525 is established as follows:

Beginning at a junction with state route number 5 in the vicinity south of Everett, thence northwesterly to Mukilteo; also

Beginning at the vicinity of Columbia Beach in the southern portion of Whidbey Island, thence northerly by way of Deception Pass to a junction with state route number 536 in the vicinity southeast of Anacortes.

NEW SECTION. Sec. 149. A state highway to be known as state route number 526 is established as follows:

Beginning at a junction with state route number 525 at Mukilteo, thence easterly to a junction with state route number 5 in the vicinity of its junction with state route number 527.

NEW SECTION. Sec. 150. A state highway to be known as state route number 527 is established as follows:

Beginning at a junction with state route number 522 in the vicinity of Bothell, thence northerly to a junction with state route number 5 in the vicinity south of Everett.

NEW SECTION. Sec. 151. A state highway to be known as state route number 528 is established as follows:

Beginning at the southerly city limits of Marysville, thence to Marysville; also

Beginning at a junction with state route number 5 near Marysville, thence easterly to a junction with state route number 9: PROVIDED, That until such time as state route number 528 from Marysville to a junction with state route number 9 is actually constructed on the location adopted by the state highway commission, no existing city streets or county roads shall be maintained or improved by the state highway commission as a temporary route of said state route number 528.

NEW SECTION. Sec. 152. A state highway to be known as state route number 530 is established as follows:

Beginning at a junction with state route number 5 at Conway, thence southerly by way of East Stanwood, thence southeasterly to a junction with state route number 5, thence easterly to a junction

with state route number 9 at Arlington; also

From that junction with state route number 9 at Arlington, thence northeasterly and easterly to Darrington.

NEW SECTION. Sec. 153. A state highway to be known as state route number 532 is established as follows:

Beginning at a point on Camano Island known as McEacherns Corner, thence easterly over a bridge and by way of Stanwood to a junction with state route number 530 in the vicinity of Stanwood, thence easterly to a junction with state route number 5 in the vicinity east of Stanwood.

NEW SECTION. Sec. 154. A state highway to be known as state route number 534 is established as follows:

Beginning at a junction with state route number 5 at Conway, thence southeasterly to a junction with state route number 9 at McMurray.

NEW SECTION. Sec. 155. A state highway to be known as state route number 536 is established as follows:

Beginning at Anacortes, thence easterly to a junction with state route number 5 at Mt. Vernon.

NEW SECTION. Sec. 156. A state highway to be known as state route number 537 is established as follows:

Beginning at a junction with state route number 536 in the vicinity of Whitney, thence northerly to a junction with state route number 11 in the vicinity south of Blanchard.

NEW SECTION. Sec. 157. A state highway to be known as state route number 538 is established as follows:

Beginning at a junction with state route number 5 at Mt. Vernon, thence easterly to a junction with state route number 9.

NEW SECTION. Sec. 158. A state highway to be known as state route number 539 is established as follows:

Beginning at a junction with state route number 5 at Bellingham, thence northerly to the international boundary in the vicinity east of Delta.

NEW SECTION. Sec. 159. A state highway to be known as state route number 540 is established as follows:

Beginning at a junction with a Whatcom county road, at a location where construction is feasible from an engineering and economic point of view, thence easterly to a junction with state route number 5 northwest of Bellingham.

NEW SECTION. Sec. 160. A state highway to be known as state route number 542 is established as follows:

Beginning at a junction with state route number 5 at Bellingham, thence easterly to a point in the vicinity of Austin Pass in Whatcom county.

NEW SECTION. Sec. 161. A state highway to be known as state route number 544 is established as follows:

Beginning at a junction with state route number 539 in the vicinity of Wisner Lake, thence northeasterly by way of Everson to a junction with state route number 9 in the vicinity of Nooksack.

NEW SECTION. Sec. 162. A state highway to be known as state route number 546 is established as follows:

Beginning at a junction with state route number 539 approximately 2.7 miles south of the international boundary, thence easterly by way of Van Euren to a junction with state route number 9.

NEW SECTION. Sec. 163. A state highway to be known as state route number 603 is established as follows:

Beginning at a junction with state route number 5 in the vicinity north of Toledo, thence northerly by the most feasible route by way of Winlock and Napavine to a junction with state route number 6 in the vicinity west of Chehalis.

NEW SECTION. Sec. 164. A state highway to be known as state route number 702 is established as follows:

Beginning at a junction with state route number 507 at McKenna, thence easterly to a junction with state route number 7.

NEW SECTION. Sec. 165. A state highway to be known as state route number 706 is established as follows:

Beginning at a junction with state route number 7 at Elbe, thence easterly to a southwest entrance to Mt. Rainier National Park.

NEW SECTION. Sec. 166. A state highway to be known as state route number 900 is established as follows:

Beginning at Seattle in King county, thence in an easterly direction by the most feasible route by way of Renton to a junction with state route number 90 in the vicinity of Issaquah.

NEW SECTION. Sec. 167. A state highway to be known as state route number 901 is established as follows:

Beginning at a junction with state route number 900 in the vicinity west of Issaquah, thence northerly to the west of Lake Sammamish to a junction with state route number 202 in the vicinity of Redmond, thence westerly to Kirkland, thence southerly to a junction with state route number 520, Evergreen Point Bridge route, in the vicinity of Northrop road.

NEW SECTION. Sec. 168. A state highway to be known as state route number 902 is established as follows:

Beginning in the vicinity of the state custodial school, thence northerly to the town of Medical Lake, thence northeasterly and easterly to a junction with state route number 90 at a point approximately three miles northeast of Four Lakes.

NEW SECTION. Sec. 169. A state highway to be known as state route number 903 is established as follows:

Beginning at a junction with state route number 97 in the vicinity of the junction of state route number 97 and state route number 90 east of Cle Elum, thence northwesterly by way of Cle Elum and Roslyn to the National Forest boundary in the vicinity of Lake Cle Elum.

NEW SECTION. Sec. 170. A state highway to be known as state route number 904 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Tyler, thence northeasterly via Cheney to a junction with state route number 90 in the vicinity of Four Lakes: PROVIDED, That

the addition of state route number 904 shall not become effective until such time as the interstate system by-pass of Cheney is constructed and under traffic.

NEW SECTION. Sec. 171. A state highway to be known as state route number 906 is established as follows:

Beginning at a junction with state route number 90 at the West Summit interchange of Snoqualmie Pass, thence along the alignment of the state route number 90 as it existed on May 11, 1967 in a southeasterly direction to a junction with state route number 90 at the Hyak interchange: PROVIDED, That the addition of state route number 906 shall not become effective until Snoqualmie Summit by-pass is constructed and under traffic.

The joint committee on highways and the Washington state highway commission shall undertake appropriate studies to evaluate state route number 906 to determine whether or not it should permanently remain on the state system.

Sec. 172. Section 10, chapter 281, Laws of 1969 ex. sess. (uncodified) is amended to read as follows:

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1971, the sum of nine hundred fifty-five thousand dollars, or so much thereof as may be necessary for the location and acquisition of right of way for a parkway connection from ((primary-state-highway No--9)) state route number 101 northerly to the southerly boundary of The Evergreen State College campus. The parkway connection shall have full access control and may include right of way up to a maximum of five hundred feet in width where required to provide desirable aesthetic and joint-usage features.

Sec. 173. Section 47.20.570, chapter 13, Laws of 1961 and RCW 47.20.570 are each amended to read as follows:

The director of highways is authorized and directed to construct a bridge across Port Washington Narrows connecting ((primary state-highway-No--21)) state route number 304 at or near Bremerton

with ((secondary-state-highway-No--21B)) state route number 303 on the Manette Peninsula; to make surveys and plans; and to condemn or otherwise acquire such lands, as are necessary or proper for the approaches to such bridge and relocating any portion of said highway to locate said bridge at the most feasible place. Said bridge shall become and be maintained as a part of the state highway system.

Sec. 174. Section 47.20.580, chapter 13, Laws of 1961 and RCW 47.20.580 are each amended to read as follows:

The director of highways is hereby authorized and directed to locate, construct, pave and maintain a suitable highway on the most feasible route beginning in the vicinity of the stadium of the Washington State University and extending in a northwesterly direction to a connection with ((primary-state-highway-No--3)) state route number 27, near the north boundary of the city of Pullman.

Sec. 175. Section 47.22.010, chapter 13, Laws of 1961 and RCW 47.22.010 are each amended to read as follows:

There is hereby established the east Pacific highway which shall be composed of the following existing highway routes: Beginning on ((primary-state-highway-No--1)) state route number 5 at or near Centralia; thence by way of ((primary-state-highway-No--1)) state route number 5 to ((Tenino)) its junction with state route number 12 or by way of ((secondary-state-highway-1N)) state route number 507 between Centralia and Tenino; thence on ((secondary-state-highway 5H)) state route number 507 to Roy junction with ((primary-state highway-No--5)) state route number 7; thence on ((primary-state-highway-No--5)) state route number 7 to a junction with ((secondary-state highway-No--5G)) state route number 512; thence on ((secondary-state highway-No--5G)) state route number 512 to Puyallup; thence on ((primary-state-highway-No--5)) state route numbers 410 and 167 to Sumner, Auburn, Kent and Renton; thence on ((primary-state-highway-No--2-to secondary-state-highway-No--2A7)) state route number 405 ((thence-on secondary-state-highway-No--2A)) to Kirkland ((to-primary-state-highway-No--2-west-of-Bothell, thence-on-primary-state-highway-No--2-to

Bethell and Woodinville); thence on state route number 405 north to a junction with state route number 522; thence on state route number 522 to a junction with state route number 9 northeast of Woodinville; and thence on ((secondary-state-highway-Ne--1A)) state route number 9 to Snohomish, Arlington, Sedro Woolley, and to a junction with state route number 542 at Deming; thence westerly on state route 542 to a junction with state route number 9 at Lawrence; thence on state route number 9 via Sumas, to the Canadian international boundary.

Sec. 176. Section 47.22.020, chapter 13, Laws of 1961 as amended by section 13, chapter 145, Laws of 1967 ex. sess. and RCW 47.22.020 are each amended to read as follows:

There is established the Lewis and Clark highway, which shall be composed of the following existing routes: ((PSH-Ne--3)) state route number 12 from Clarkston to Waitsburg ((h)); ((SSH-Ne--3-B-and-SSH-Ne--3-E)) state route number 124 from Waitsburg to Pasco (west); ((PSH-Ne--3)) state route number 12 from Pasco to Waitsburg via Wallula and Walla Walla (east); ((PSH-Ne--8)) state route number 14 from Pasco to Maryhill; ((PSH-Ne--8,-PSH-Ne--17-and-PSH-Ne--12)) state route numbers 14, 5 and 4 from Maryhill to Naselle junction; ((SSH-Ne--12-B)) state route number 401 from Naselle junction to Megler; and ((PSH-Ne--12)) state route number 101 from Megler to Ilwaco.

Sec. 177. Section 2, chapter 85, Laws of 1967 ex. sess. as amended by section 6, chapter 281, Laws of 1969 ex. sess. and RCW 47.39.020 are each amended to read as follows:

The following portions of highways are designated as part of the scenic and recreational highway system:

(1) ((Primary)) State ((highway-Ne--27-or-the-Sunset-highway)) route number 90, beginning at the CMSTPP Railroad overcrossing, highway department designation ((2/609-5S)) 90/88S, approximately 2.3 miles southeast of North Bend, thence in an easterly direction by the most feasible route by way of Snoqualmie Pass to the Cle Elum river bridge, highway department designation ((2/519N)) 90/134N, approximately 2.6 miles west of Cle Elum;

(2) ((Primary)) State ((highway-No-37-or-the-Inland-Empire Highway)) route number 97, beginning at the upper Wilson Creek bridge, highway department designation ((3/1003)) 97/222, approximately 33.4 miles north of Yakima, thence southerly by the most feasible route to the Selah-Moxee Canal bridge, highway department designation ((3/910)) 97/165, approximately 5.4 miles north of Yakima;

(3) ((Primary)) State ((highway-No-17-or-the-Pacific-highway)) route number 542 beginning at Nugent's bridge over the Nooksack river, highway department designation ((1AP/24)) 542/10, approximately 7.7 miles northeast of Bellingham, thence in an easterly direction to a point in the vicinity of Austin Pass in Whatcom county;

(4) ((Primary)) State ((highway-No-37-or-the-Inland-Empire Highway)) route number 12, beginning at the Northern Pacific Railroad bridge, highway department designation ((3/696)) 12/655, approximately 3.4 miles west of Dixie, thence in a northerly direction by the most feasible route by way of Dayton to a junction with ((primary)) state ((highway-No-3)) route number 127 in the vicinity of Dodge; also beginning at a junction with ((primary)) state ((highway-No-3)) route number 127, as herein described, in the vicinity of Dodge, thence in an easterly direction by the most feasible route by way of Pomeroy to a junction with a county road 2.38 miles west of a junction with ((primary)) state ((highway-No-3)) route number 129 in Clarkston (+). State route number 395, ((also)) beginning at the north end of the Mill Creek bridge, highway department designation ((3/103)) 395/531, in the vicinity of Colville on ((primary)) state ((highway-No-37-then)) route number 395, thence to a junction with ((secondary)) state ((highway-No-3P)) route number 30 in the vicinity of the Kettle Falls bridge; state route number 97 also beginning at the upper Wilson Creek bridge, highway department designation ((3/1003)) 97/222, approximately 33.4 miles north of Yakima, thence southerly by the most feasible route to the Selah-Moxee Canal bridge, highway department designation ((3/910)) 97/165, approximately 5.4 miles north of Yakima;

(5) ((Primary)) State ((highway-No-4)) route number 21, ((or-the-Tenasket-San-Poil-highway)) beginning at the Keller Ferry slip on the north side of Roosevelt Lake, thence in a northerly direction by the most feasible route to the Granit Creek bridge, highway department designation ((4/9-75)) 21/226.25, approximately fifty-four miles north of the Keller Ferry;

(6) ((Primary)) State ((highway-No-6-or-the-Newport-highway)) route number 31, beginning at Newport, thence in a northerly direction to a junction with ((secondary)) state ((highway-No-6A)) route number 294 in the vicinity of Tiger;

(7) ((Primary)) State ((highway-No-7-or-the-North-Central-highway)) route number 17, beginning at the point on ((primary)) state ((highway-No-7)) route number 28, as described in RCW 47.16.070, in the vicinity of Soap Lake, thence in a northerly direction by the most feasible route to a junction with ((primary)) state ((highway No-)) route number 2 west of Coulee City;

(8) ((Primary-state-highway-No-8-or-the-Evergreen-highway)) State route number 14, beginning at the Gibbons Creek bridge, highway department designation ((8/302)) 14/33, approximately 0.9 miles east of Washougal, thence in an easterly direction by way of Stevenson to a junction with ((primary-state-highway-No-8)) state route number 97 in the vicinity of Maryhill ((?)). Also beginning at ((a)) that junction ((with-primary-state-highway-No-8)), in the vicinity of Maryhill ((?)) thence in a southerly direction on state route number 97 to connect with the approach to the Biggs Rapids toll bridge across the Columbia river; also beginning in the vicinity of Maryhill, on state route number 14 running easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth;

(9) ((Primary-state-highway-No-9-or-the-Olympic-highway)) Beginning on state route number 101 at the west end of the Black Lake road overcrossing in the vicinity of Olympia, thence in a westerly direction ((by-way-of-Elma-and)) to a junction with state route number 8, thence on state route number 8 to a junction with state route

number 12 at Elma, thence in a westerly direction on state route number 12 by way of Montesano to a junction with a county road approximately 2.82 miles west of the west end of the Wynooche River bridge, highway department designation ((9/435)) 12/25, approximately 1.2 miles west of Montesano; also beginning on state route number 101 at a junction with ((secondary-state-highway-No-9E)) state route number 109, in the vicinity of Queets, thence in a northeasterly direction by way of Forks to the west boundary of the Olympic National Park in the vicinity of Lake Crescent; also beginning on state route number 101 at Sequim Bay State Park, thence in a southerly direction to a junction with Airport Road north of Shelton; also beginning on state route number 101 at a junction with a county road 2.64 miles south of the junction ((of-primary-state-highway-No-9)) with ((secondary-state-highway-14A)) state route number 3 in Shelton; thence in a southerly direction to a junction with ((primary-state-highway No-9)) state route number 8 in the vicinity west of Olympia.

(10) ((Primary-state-highway-No-117-or-the-Columbia-Basin highway)) State route number 395, beginning at a junction with ((secondary-state-highway-No-116)) state route number 17 in the vicinity of Eltopia, thence in a southerly direction to ((the-Northern-Pacific Railroad-overcrossing,-highway-department-designation-11/3017)) approximately 2.6 miles north of Pasco;

(11) ((Primary-state-highway-No-167-or-the-North-Cross-State highway)) State route number 20, beginning in the vicinity of Pateros on ((primary-state-highway-No-10)) state route number 97, thence in a northerly and westerly direction by the most feasible route by way of Twisp, Diablo Dam, Marblemount and Concrete to the Hansen Creek bridge, highway department designation ((16/271)) 20/16, approximately 6.0 miles west of Lyman;

(12) ((Secondary-state-highway-No-1B)) State route number 525, beginning at a junction with ((primary-state-highway-No-1)) state route number 536 in the vicinity southeast of Anacortes, thence southerly by way of Deception Pass, to a junction with Torpedo Road

in the vicinity northeast of Oak Harbor; also beginning at a junction with Miller Road in the vicinity southwest of Oak Harbor, thence southeasterly to a junction with Sherman Road in the vicinity west of Coupeville; also beginning at a junction with Rhododendron Road in the vicinity east of Coupeville, thence southeasterly to a junction with Maxwellton Road in the southern portion of Whidbey Island; also state route number 113, beginning at a junction with ((secondary state-highway-No--1B)) state route number 525, as herein described, in the vicinity easterly of the Keystone ferry slip, thence westerly to the Keystone ferry slip;

(13) ((Secondary-state-highway-No--1R)) State route number 504, beginning at a junction with ((primary-state-highway-No--1)) state route number 5 in the vicinity north of Castle Rock, thence in an easterly direction by way of St. Helens and Spirit Lake to Mt. St. Helens;

(14) ((Secondary-state-highway-No--2F)) State route number 155, beginning at a junction with ((primary)) state ((highway-No--)) route number 2 in the vicinity north of Coulee City, thence in a northeasterly direction to the boundary of the federal reservation at the Grand Coulee Dam;

(15) ((Secondary-state-highway-No--3P)) State route number 30, beginning at a junction with ((primary)) state ((highway-No--3)) route number 395 at the west end of the Kettle Falls bridge over the Columbia river, highway department designation ((3/5)) 395/545, thence in a westerly direction to a junction with ((secondary)) state ((highway-No--4A)) route number 21 east of Republic;

(16) ((Secondary)) State ((highway-No--6A)) route number 294, beginning at Tiger on ((primary)) state ((highway-No--6)) route number 31, thence in a southwesterly direction by the most feasible route to a junction with a county road 2.76 miles east of a junction with ((primary)) state ((highway-No--3)) route number 395 in Colville;

(17) ((Secondary)) State ((highway-No--9A)) route number 112, beginning in the vicinity of Laird's Corner on ((highway-No--9)) state

route number 101, thence in a westerly direction to Neah Bay;

(18) ((Secondary)) State ((highway-96)) route number 109, beginning at a junction with a county road 3.01 miles northwest of the junction with ((primary)) state ((highway-Ne-9)) route number 101 in Hoquiam, thence in a northwesterly direction by way of Ocean City, Copalis, Pacific Beach, and Moclips to a junction with ((primary)) state ((highway-Ne-9)) route number 101 in the vicinity of Queets;

(19) ((Secondary)) State ((highway-Ne-9E)) route number 104, beginning at a junction with ((primary)) state ((highway-Ne-9)) route number 101 in the vicinity south of Discovery Bay, thence in a southeasterly direction to the vicinity of Shine on Hood Canal;

(20) ((Secondary)) State ((highway-Ne-116)) route number 17, beginning in the vicinity of Eltopia on ((primary)) state ((highway-Ne-11)) route number 395, thence in a northwesterly direction to the south end of the overcrossing of ((primary)) state ((highway-Ne-18)) route number 20, in the vicinity of Moses Lake; also beginning at a junction with Grape Drive in the vicinity of Moses Lake, thence northwesterly to a junction with ((primary)) state ((highway-Ne-7)) route number 28 in the vicinity of Soap Lake;

(21) ((Secondary)) State ((highway-Ne-12B)) route number 401, beginning at Point Ellice on ((primary)) state ((highway-Ne-12)) route number 101, thence in an easterly and northerly direction to a junction with ((primary)) state ((highway-Ne-12)) route number 4 in the vicinity north of Naselle;

(22) ((Secondary)) State ((highway-Ne-13A)) route number 105, beginning at Raymond on ((primary)) state ((highway-Ne-13)) route number 101, thence in a westerly direction by the most feasible route by way of Tokeland, North Cove to the shore of Grays Harbor north of Westport; also beginning at Aberdeen on ((primary)) state ((highway-Ne-13)) route number 101, thence in a southwesterly direction by the most feasible route to a junction with ((secondary)) state ((highway-Ne-13A)) route number 105 in the vicinity south of Westport;

(23) ((Secondary)) State ((highway-10A)) route number 155, beginning at a junction with a county road 2.07 miles north of the junction with 12th street in Elmer city; thence in a northwesterly direction to the west end of the Omak Creek bridge east of Omak;

(24) ((Secondary)) State ((highway-3B)) route number 126, beginning at a junction with ((primary)) state ((highway-3)) route number 12 in the vicinity of Dayton, thence in a northeasterly direction by way of Whetstone and Marengo to a junction with ((primary)) state ((highway-3)) route number 12 west of Pomeroy;

(25) ((Primary)) State ((highway-Ne--21-or-the-Kitsap-Peninsula-highway)) route number 106, beginning ((with)) at a junction with ((primary)) state ((highway-Ne--9)) route number 101 in the vicinity of Union; thence northeasterly to a junction with state route number 3 in the vicinity of Belfair; thence on state route number 3 northeasterly to a junction with Arsenal Way south of Bremerton; also on state route number 3 beginning with Carr Boulevard north of Bremerton, thence northeasterly to Port Gamble;

(26) ((Primary)) State ((highway-Ne--37-or-the-Inland-Empire Highway)) route number 10, beginning at a junction with state route number 97, Teanaway Junction at mile 0.0, thence in an easterly direction by the most feasible route to the junction with the off-ramp of Interstate 90 at the west end of Ellensburg, mile 20.0. The scenic and recreational qualities of this highway shall be preserved by the highway commission by setting a maximum speed substantially less than that authorized by RCW 46.61.400. The commission may prescribe different maximum speeds for different sections of such highway;

(27) ((Primary)) State ((highway-Ne--15--the-Stevens-Pass highway)) route number 2, beginning at Woods Creek Bridge (bridge ((15/216)) 2/22) at the east city limits of Monroe, thence in an easterly direction by way of Stevens Pass to a junction with ((primary)) state ((highway-Ne--2)) route number 97 in the vicinity of Peshastin;

(28) State route number 206, Mt. Spokane Park Drive, ((com-

meneing)) beginning at ((~~intersection~~)) a junction with ((~~primary~~)) state ((~~highway-Nor-195~~)) route number 2 located near north line of section 3, township 26, range 43, thence northeasterly to a point in section 28, township 28, range 45 at the entrance to Mt. Spokane State Park.

NEW SECTION. Sec. 178. The following acts or parts of acts are each hereby repealed:

- (1) Section 47.16.010, chapter 13, Laws of 1961 as last amended by section 5, chapter 170, Laws of 1965 ex. sess. and RCW 47-16.010;
- (2) Section 4, chapter 145, Laws of 1967 ex. sess. and RCW 47-16.013;
- (3) Section 13, chapter 281, Laws of 1969 ex. sess. and RCW 47.16.014;
- (4) Section 47.16.020, chapter 13, Laws of 1961 as amended by section 5, chapter 281, Laws of 1969 ex. sess. and RCW 47.16.020;
- (5) Section 47.16.030, chapter 13, Laws of 1961 as amended by section 7, chapter 170, Laws of 1965 ex. sess. and RCW 47.16.030;
- (6) Section 47.16.040, chapter 13, Laws of 1961 and RCW 47-16.040;
- (7) Section 47.16.050, chapter 13, Laws of 1961 as last amended by section 7, chapter 281, Laws of 1969 ex. sess. and RCW 47-16.050;
- (8) Section 9, chapter 145, Laws of 1967 ex. sess. and RCW 47.16.053;
- (9) Section 47.16.060, chapter 13, Laws of 1961 as amended by section 1, chapter 240, Laws of 1963 and RCW 47.16.060;
- (10) Section 47.16.070, chapter 13, Laws of 1961 and RCW 47-16.070;
- (11) Section 47.16.080, chapter 13, Laws of 1961 as amended by section 8, chapter 170, Laws of 1965 ex. sess. and RCW 47.16.080;
- (12) Section 47.16.090, chapter 13, Laws of 1961 and RCW 47-16.090;

- (13) Section 47.16.100, chapter 13, Laws of 1961 as amended by section 1, chapter 3, Laws of 1963 ex. sess. and RCW 47.16.100;
- (14) Section 47.16.110, chapter 13, Laws of 1961 and RCW 47-.16.110;
- (15) Section 47.16.120, chapter 13, Laws of 1961 as last amended by section 9, chapter 170, Laws of 1965 ex. sess. and RCW 47-.16.120;
- (16) Section 47.16.130, chapter 13, Laws of 1961 and RCW 47-.16.130;
- (17) Section 47.16.140, chapter 13, Laws of 1961 as amended by section 3, chapter 3, Laws of 1963 ex. sess. and RCW 47.16.140;
- (18) Section 47.16.150, chapter 13, Laws of 1961 and RCW 47-.16.150;
- (19) Section 47.16.160, chapter 13, Laws of 1961 as amended by section 3, chapter 21, Laws of 1961 ex. sess. and RCW 47.16.160;
- (20) Section 47.16.180, chapter 13, Laws of 1961 and RCW 47-.16.180;
- (21) Section 47.16.190, chapter 13, Laws of 1961 as last amended by section 12, chapter 170, Laws of 1965 ex. sess. and RCW 47-.16.190;
- (22) Section 47.16.200, chapter 13, Laws of 1961 as amended by section 4, chapter 3, Laws of 1963 ex. sess. and RCW 47.16.200;
- (23) Section 47.20.010, chapter 13, Laws of 1961 as last amended by section 1, chapter 170, Laws of 1965 ex. sess. and RCW 47-.20.010;
- (24) Section 47.20.020, chapter 13, Laws of 1961 as amended by section 4, chapter 21, Laws of 1961 ex. sess. and RCW 47.20.020;
- (25) Section 47.20.030, chapter 13, Laws of 1961 as last amended by section 2, chapter 145, Laws of 1967 ex. sess. and RCW 47-.20.030;
- (26) Section 47.20.040, chapter 13, Laws of 1961 and RCW 47-.20.040;
- (27) Section 47.20.050, chapter 13, Laws of 1961 as amended

by section 3, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.050;

(28) Section 47.20.060, chapter 13, Laws of 1961 and RCW 47-.20.060;

(29) Section 47.20.070, chapter 13, Laws of 1961 and RCW 47-.20.070;

(30) Section 47.20.080, chapter 13, Laws of 1961 as amended by section 6, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.080;

(31) Section 47.20.090, chapter 13, Laws of 1961 as amended by section 8, chapter 21, Laws of 1961 ex. sess. and RCW 47.20.090;

(32) Section 47.20.100, chapter 13, Laws of 1961 as amended by section 20, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.100;

(33) Section 47.20.109, chapter 13, Laws of 1961 and RCW 47-.20.109;

(34) Section 47.20.110, chapter 13, Laws of 1961 and RCW 47-.20.110;

(35) Section 47.20.120, chapter 13, Laws of 1961 as amended by section 7, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.120;

(36) Section 47.20.130, chapter 13, Laws of 1961 as amended by section 8, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.130;

(37) Section 47.20.140, chapter 13, Laws of 1961 as last amended by section 12, chapter 145, Laws of 1967 ex. sess. and RCW 47-.20.140;

(38) Section 47.20.150, chapter 13, Laws of 1961 and RCW 47-.20.150;

(39) Section 47.20.160, chapter 13, Laws of 1961 as last amended by section 5, chapter 145, Laws of 1967 ex. sess. and RCW 47-.20.160;

(40) Section 47.20.161, chapter 13, Laws of 1961 and RCW 47-.20.161;

(41) Section 6, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.162;

(42) Section 47.20.165, chapter 13, Laws of 1961 and RCW 47-.20.165;

- (43) Section 47.20.170, chapter 13, Laws of 1961 and RCW 47-.20.170;
- (44) Section 47.20.180, chapter 13, Laws of 1961 as amended by section 28, chapter 170, Laws of 1965 ex. sess. and RCW 47.20.180;
- (45) Section 47.20.190, chapter 13, Laws of 1961 and RCW 47-.20.190;
- (46) Section 47.20.200, chapter 13, Laws of 1961 as amended by section 8, chapter 281, Laws of 1969 ex. sess. and RCW 47.20.200;
- (47) Section 47.20.210, chapter 13, Laws of 1961 as amended by section 10, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.210;
- (48) Section 47.20.220, chapter 13, Laws of 1961 as last amended by section 11, chapter 3, Laws of 1963 ex. sess. and RCW 47-.20.220;
- (49) Section 17, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.221;
- (50) Section 18, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.222;
- (51) Section 19, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.223;
- (52) Section 47.20.230, chapter 13, Laws of 1961 and RCW 47-.20.230;
- (53) Section 47.20.240, chapter 13, Laws of 1961 as amended by section 9, chapter 21, Laws of 1961 ex. sess. and RCW 47.20.240;
- (54) Section 47.20.250, chapter 13, Laws of 1961 as amended by section 12, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.250;
- (55) Section 47.20.260, chapter 13, Laws of 1961 and RCW 47-.20.260;
- (56) Section 47.20.270, chapter 13, Laws of 1961 and RCW 47-.20.270;
- (57) Section 47.20.280, chapter 13, Laws of 1961 as amended by section 15, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.280;
- (58) Section 47.20.290, chapter 13, Laws of 1961 and RCW 47-.20.290;

(59) Section 47.20.300, chapter 13, Laws of 1961 as amended by section 17, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.300;

(60) Section 47.20.310, chapter 13, Laws of 1961 and RCW 47-.20.310;

(61) Section 47.20.320, chapter 13, Laws of 1961 as amended by section 2, chapter 170, Laws of 1965 ex. sess. and RCW 47.20.320;

(62) Section 47.20.325, chapter 13, Laws of 1961 and RCW 47-.20.325;

(63) Section 47.20.330, chapter 13, Laws of 1961 as amended by section 10, chapter 21, Laws of 1961 ex. sess. and RCW 47.20.330;

(64) Section 47.20.340, chapter 13, Laws of 1961 as last amended by section 13, chapter 3, Laws of 1963 ex. sess. and RCW 47-.20.340;

(65) Section 41, chapter 21, Laws of 1961 ex. sess. as amended by section 3, chapter 170, Laws of 1965 ex. sess. and RCW 47-.20.351;

(66) Section 47.20.360, chapter 13, Laws of 1961 as amended by section 16, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.360;

(67) Section 47.20.379, chapter 13, Laws of 1961 and RCW 47-.20.379;

(68) Section 47.20.380, chapter 13, Laws of 1961 as amended by section 30, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.380;

(69) Section 47.20.390, chapter 13, Laws of 1961 as amended by section 9, chapter 281, Laws of 1969 ex. sess. and RCW 47.20.390;

(70) Section 47.20.400, chapter 13, Laws of 1961 and RCW 47-.20.400;

(71) Section 47.20.410, chapter 13, Laws of 1961 as last amended by section 7, chapter 145, Laws of 1967 ex. sess. and RCW 47-.20.410;

(72) Section 47.20.420, chapter 13, Laws of 1961 and RCW 47-.20.420;

(73) Section 47.20.430, chapter 13, Laws of 1961 as amended by section 15, chapter 21, Laws of 1961 ex. sess. and RCW 47.20.430;

(74) Section 10, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.431;

(75) Section 47.20.440, chapter 13, Laws of 1961 as last amended by section 4, chapter 170, Laws of 1965 ex. sess. and RCW 47.20.440;

(76) Section 47.20.450, chapter 13, Laws of 1961 and RCW 47.20.450;

(77) Section 47.20.460, chapter 13, Laws of 1961 and RCW 47.20.460;

(78) Section 47.20.461, chapter 13, Laws of 1961 and RCW 47.20.461;

(79) Section 47.20.462, chapter 13, Laws of 1961 and RCW 47.20.462;

(80) Section 47.20.470, chapter 13, Laws of 1961 and RCW 47.20.470;

(81) Section 47.20.480, chapter 13, Laws of 1961 and RCW 47.20.480;

(82) Section 47.20.490, chapter 13, Laws of 1961 as amended by section 15, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.490;

(83) Section 47.20.500, chapter 13, Laws of 1961 as amended by section 16, chapter 3, Laws of 1963 ex. sess. and RCW 47.20.500;

(84) Section 11, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.505;

(85) Section 47.20.540, chapter 13, Laws of 1961 as amended by section 12, chapter 21, Laws of 1961 ex. sess. and RCW 47.20.540;

(86) Section 47.20.541, chapter 13, Laws of 1961 and RCW 47.20.541;

(87) Section 47.20.550, chapter 13, Laws of 1961 and RCW 47.20.550.

NEW SECTION. Sec. 179. This act is intended to assign state route numbers to existing state highways duly established by prior legislative act in lieu of primary state highway numbers and secondary state highway numbers. Nothing contained herein is intended to

add any new section of highway to the state highway system or delete any section of highway from the state highway system.

Passed the Senate February 9, 1970
Passed the House February 9, 1970
Approved by the Governor February 23, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 52
[Engrossed Substitute Senate Bill No. 294]
CODE CITIES--ELECTION OF OFFICERS--
ANNEXATION, COMMUNITY MUNICIPAL CORPORATIONS

AN ACT Relating to cities operating under the Optional Municipal Code, and the election of officers of such cities; amending section 35A.02.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.040; amending section 35A.02.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.050; amending section 35A.12.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.040; amending section 35A.29.110, chapter 119, Laws of 1967 ex. sess. and RCW 35A.29.110; and amending section 35A.29.150, chapter 119, Laws of 1967 ex. sess. and RCW 35A.29.150; and amending section 35.13.015, chapter 7, Laws of 1965 as last amended by section 7, chapter 73, Laws of 1967 and RCW 35.13.015.

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

Section 1. Section 35A.02.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.040 are each amended to read as follows:

When one or more ordinances are passed under RCW 35A.02.020 or RCW 35A.02.030, the clerk of the city or town shall forward to the secretary of state a certified copy of any such ordinance. Upon the filing in the office of the secretary of state of a certified copy of an ordinance adopting the classification of noncharter code city, such city or town shall thereafter be classified as a noncharter code city; except that if there is also filed with the secretary of state a certified copy of an ordinance providing for reorganization of the municipal government of such city or town, such reclassification and reorganization shall not be effective until the election and qualifica-

tion under section 35A.02.050 as amended of the new officers under the plan of government so adopted.

Sec. 2 Section 35A.02.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.050 are each amended to read as follows:

The first election of officers under a plan of government adopted in the manner provided in RCW 35A.02.020 or 35A.02.030 shall be at the next general municipal election if one is to be held (~~(with-~~
~~in)) more than ninety days but not more than one hundred and eighty days after certification of a reorganization ordinance or at a special election to be held for that purpose not less than ninety days nor more than one hundred and eighty days from the certification of such ordinance. In the event that the first election of officers as herein provided is to be held at a general municipal election, such election shall be preceded by a primary election pursuant to RCW 29.13.070. In the event that the first election of officers as herein provided is to be held at a special election, and notwithstanding any provisions of any other law to the contrary, such special election shall be preceded by a primary election to be held not less than forty-five nor more than sixty days prior to the date of the special election: PROVIDED, That in the event the ordinances calling for reclassification or reclassification and reorganization under the provisions of Title 35A RCW have been filed with the secretary of state pursuant to RCW 35A-.02.040 in an even numbered year at least ninety days prior to a state general election then the election of new officers shall be concurrent with the state primary and general election and shall be conducted as set forth in chapter 35A.29 RCW. Declarations of candidacy for any primary election held pursuant to this section shall be filed as provided in RCW 35A.29.110 as amended. The terms of the persons holding office at the time of such proceedings shall continue until the new officers are elected and qualified ((+)) as provided in this 1970 amendatory act, and the ordinances, bylaws and resolutions adopted under the former plan of government, where not in conflict with state law, shall continue in force until repealed or amended by the legis-~~

lative body of the reorganized noncharter code city. The former officers shall, upon the election and qualification of new officers, deliver to the proper officers of the reorganized noncharter code city all books of record, documents and papers in their possession belonging to such municipal corporation before the reorganization thereof. Officers elected at the first election of officers held pursuant to this amendatory act shall assume office as soon as the election returns have been certified.

Sec. 3. Section 35A.12.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.040 are each amended to read as follows:

Officers shall be elected at biennial municipal elections to be conducted as provided in chapter 35A.29. The mayor and the councilmen shall be elected for four year terms and until their successors are elected and qualified; except that at the first election ((the)) three councilmen in cities having seven councilmen, and ((the)) two councilmen in cities having five councilmen, (~~where fewer than the lesser number of votes at such election~~) shall be elected for two year terms and the remaining councilmen shall be elected for four year terms, and the mayor in office at the time of such election shall continue for another four year term coextensive with the terms for which councilmen elected for four years are elected and there shall be no election as to mayor. Thereafter the requisite number of councilmen shall be elected biennially as the terms of their predecessors expire and shall serve for terms of four years. (~~After the first election,~~) The positions to be filled on the city council shall be designated by consecutive numbers and shall be dealt with as separate offices for all election purposes, as provided in RCW 35A.29.105. At the first election in cities having seven councilmen, the candidates elected to positions one, two, and three shall serve for two year terms and the candidates elected to positions four, five, six and seven shall serve for four year terms; at the first election in cities having five councilmen, the candidates elected to positions one and two shall serve for two year terms and the candidates elected to positions

three, four, and five shall serve for four year terms: PROVIDED, That in any city which holds its first election under this title in the calendar year 1970, candidates elected for two year terms shall hold office until their successors are elected and qualified at the general municipal election to be held in November, 1973 and candidates elected for four year terms shall hold office until their successors are elected and qualified at the general municipal election to be held in November, 1975. Election to positions on the council shall be by majority vote from the city at large, unless provision is made by charter or ordinance for election by wards. The city council shall be the judge of the qualifications of its members and determine contested elections of city officers, subject to review by certiorari as provided by law. The mayor and councilmen shall qualify by taking an oath or affirmation of office and as may be provided by law, charter, or ordinance.

Sec. 4. Section 35A.29.110, chapter 119, Laws of 1967 ex.sess. and RCW 35A. 29.110 are each amended to read as follows:

A candidate for office in a code city shall file a declaration of candidacy substantially in the form set forth in RCW 29.18.030 insofar as such form is applicable to nonpartisan offices. Declarations of candidacy for offices of code cities to be voted upon at any municipal general election shall be filed with the city clerk or code city clerk (~~((not more than sixty nor less than forty five days prior to the date of the election))~~) not earlier than the last Monday of July nor later than the next succeeding Friday in the year such general election is to be held: PROVIDED, That if the first election of officers under a plan of government adopted in the manner provided in sections 35A.02.020, 35A.02.030 or 35A.02.080 is a special election as provided in section 35A.02.050 as amended, such declarations of candidacy shall be filed with the city clerk not more than fifty nor less than forty-six days prior to the primary election provided for in RCW 35A.02.050 as amended. Any candidate may withdraw his declaration at any time but not later than five days (~~((before))~~) after the last day allowed for

filing declarations of candidacy. Nominating petitions for charter commissioners and for any other office for which nominating petitions may be required shall be ~~((governed-by-the-provisions-of-this-section-as-to-the-time-for-filing-and-withdrawal-of-such-petitions))~~ filed with the city clerk or code city clerk not more than sixty nor less than forty-six days prior to the date of the election, and may be withdrawn at any time but not later than five days after the last day allowed for filing such petitions.

Sec. 5. Section 35A.29.150, chapter 119, Laws of 1967 ex. sess. and RCW 35A.29.150 are each amended to read as follows:

Except as otherwise provided in this chapter, municipal elections in code cities having seven or more councilmen shall be conducted in accordance with the applicable provisions of Title 29 RCW relating to elections in ~~((municipal-corporations))~~ first, second and third class cities and the municipal elections in code cities having five councilmen shall be conducted in accordance with the applicable provisions of Title 29 RCW relating to elections in fourth class municipalities (towns).

Sec. 6. Section 35.13.015, chapter 7, Laws of 1965 as last amended by section 7, chapter 73, Laws of 1967 and RCW 35.13.015 are each amended to read as follows:

In addition to the method prescribed by RCW 35.13.020 for the commencement of annexation proceedings, the legislative body of any city or town may, whenever it shall determine by resolution that the best interests and general welfare of such city or town would be served by the annexation of unincorporated territory contiguous to such city or town, file a certified copy of the resolution with the board of county commissioners of the county in which said territory is located. The resolution of the city or town initiating such election shall describe the boundaries of the area to be annexed, as nearly as may be stated 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. Whenever a city or town has prepared and filed a comprehensive plan for the area to be annexed as provided for in RCW 35.13.177 and 35.13.178, the resolution initiating the election may also provide for the simultaneous adoption of the comprehensive plan upon approval of annexation by the electorate of the area to be annexed. The resolution initiating the election may also provide for the simultaneous creation of a community municipal corporation and election of community council members as provided for in RCW 35.14.010 through 35.14.060 upon approval of annexation by the electorate of the area to be annexed. In cities under the optional municipal code the resolution initiating the election may also provide for the simultaneous inclusion of the annexed area into a named existing community municipal corporation. The proposition for the creation of a community municipal corporation may be submitted as part of the annexation proposition or may be submitted as a separate proposition. The proposition for inclusion within a named existing community municipal corporation shall be submitted as part of the annexation proposition.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 9, 1970

Passed the House February 6, 1970

Approved by the Governor February 20, 1970

Filed in Office of Secretary of State February 24, 1970

CHAPTER 53
[Senate Bill No. 324]
STATE COLLEGES--RETIREMENT PLANS

AN ACT Relating to retirement plans for state college employees; amending section 28B.10.450, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.450; amending section 28B.10.455, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.455; amending section 28B.10.460, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.460; amending section 28B.10.465, chapter 223, Laws of 1969 ex. sess. as amended by section 23, chapter 150, Laws of 1969 ex. sess. and RCW 28B.10.465; and prescribing an effective date.

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

Section 1. Section 28B.10.450, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.450 are each amended to read as follows:

The board of trustees of each of the state colleges are authorized and empowered:

(1) To assist the faculties and such of the employees exempted from the coverage of the state higher education personnel law under the provisions of RCW 28.75.040 of their respective institutions as the board of trustees may designate in the purchase of old age annuities or retirement income plans under such rules and regulations as the trustees of said institutions may prescribe.

(2) To provide, under such rules and regulations as any such board may prescribe for the institution under its supervision, for the retirement of any such faculty member or employee on account of length of service, age, or condition of health: PROVIDED, That retirement on account of age shall not be earlier than the sixty-fifth birthday.

(3) In addition to, and in supplementation of such old age annuity or retirement income plans, to provide for federal old age and survivors insurance and such coverage shall be provided in accordance with the provisions of chapter 41.48 RCW: PROVIDED, That

prior approval by the state legislature of the proposed plan, costs and necessary structural adjustment to an existing system to conform to the proposed plan shall not be necessary.

Sec. 2. Section 28B.10.455, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.455 are each amended to read as follows:

Members of the faculties and such of the employees exempted from the coverage of the state higher education personnel law under the provisions of RCW 28.75.040 as are designated by the trustees of the respective state colleges providing for a retirement program under authority of RCW 28B.10.450 through 28B.10.465 shall be required to contribute not less than five percent of their salaries during each year of full time service after the first two years of such service toward the purchase of such annuity and retirement income plans and, in the event old age and survivors insurance is provided, shall pay such additional amounts as may be required of them as employees under the federal social security laws.

Sec. 3. Section 28B.10.460, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.460 are each amended to read as follows:

In no case shall the trustees pay in any one year towards the purchase of such annuity and retirement income plans more than half of the annual premium of any faculty member or other employee, nor an amount exceeding seven and one-half percent of such person's salary, whichever is less: PROVIDED, That the seven and one-half percent factor shall, among other things, be based upon the old age and survivors insurance employer's contributions rates as they exist on January 1, 1961 and as such contribution rates are increased by the federal government, the seven and one-half percent factor shall be increased to such percentage as will permit a continuance of the payment of the old age and survivors contributions without derogating from other retirement contributions.

Sec. 4. Section 28B.10.465, chapter 223, Laws of 1969 ex. sess. as amended by section 23, chapter 150, Laws of 1969 ex. sess. and RCW 28B.10.465 are each amended to read as follows:

(1) A faculty member or any of the employees exempted from the coverage of the state higher education personnel law under the provisions of RCW 28.75.040 designated by the trustees of his respective state college as being subject to such annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system shall retain credit for such service in the Washington state teachers' retirement system and shall leave his accumulated contributions in the teachers' retirement fund (except as provided in subsection 2), and upon his attaining eligibility for retirement under the Washington state teachers' retirement system, such faculty member or such other employee shall receive from the Washington state teachers' retirement system a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age when becoming eligible for such retirement and a pension of four dollars per month for each year of creditable service established and retained at the time of said designation except as provided in RCW 41.32.497. Effective July 1, 1967, anyone then receiving pension payments from the teachers' retirement system based on thirty-five years of creditable service shall thereafter receive a pension based on the total years of creditable service established with the retirement system: PROVIDED, HOWEVER, That such faculty member or other employee who, upon attainment of eligibility for retirement under the Washington state teachers' retirement system, is still engaged in public educational employment, shall not be eligible to receive benefits under the Washington state teachers' retirement system until he ceases such public educational employment. Any retired faculty member or such other 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.

(2) A faculty member or any of the employees exempted from the coverage of the state higher education personnel law under the

provisions of RCW 28.75.040 designated by the trustees of his respective state college as being subject to the annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system may, at his election and at any time on and after midnight, June 10, 1959, terminate his membership in the Washington state teachers' retirement system and withdraw his accumulated contributions and interest in the teachers' retirement fund upon written application to the board of trustees of the Washington state teachers' retirement system. Faculty members or other 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 and shall forfeit all rights of membership, including pension benefits, theretofore acquired under the Washington state teachers' retirement system.

NEW SECTION. Sec. 5. This act shall take effect on July 1, 1970.

Passed the Senate February 9, 1970
 Passed the House February 6, 1970
 Approved by the Governor February 20, 1970
 Filed in Office of Secretary of State February 24, 1970

CHAPTER 54
 [Senate Bill No. 130]
 GRAVEL, ROCK, ETC. REMOVED FROM NAVIGABLE WATERS--
 DISPOSITION

AN ACT Relating to harbor improvement; providing for the removal of certain material for the improvement of harbors and channels and its use for a public purpose; and amending section 1, chapter 47, Laws of 1965 and RCW 79.01.178.

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

Section 1. Section 1, chapter 47, Laws of 1965 and RCW 79.01-.178 are each amended to read as follows:

When gravel, rock, sand, silt or other material from the state-owned bed and shores of any navigable (~~river-or-stream~~) body of

water within the state is removed by any public ((agencies)) agency 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 or leased by the state, or any municipality, county, or public corporation: PROVIDED, That when no public land site is available for deposit of such material, its deposit on private land with the landowner's permission is authorized and may be designated by the department of natural resources to be for a public purpose. Prior to removal and use, the state agency, municipality, county, or public corporation contemplating or arranging 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~~) used for such public purpose, but a charge will be made if such material is subsequently 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 Senate February 10, 1970
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CHAPTER 55
[Engrossed Senate Bill No. 144]
PROPERTY TAXES--EXEMPTIONS--
COUNTY BOARDS OF EQUALIZATION

AN ACT Relating to property taxes; amending section 84.36.050, chapter 15, Laws of 1961 and RCW 84.36.050; amending section 84.48.010, chapter 15, Laws of 1961 and RCW 84.48.010; adding new sections to chapter 15, Laws of 1961 and to chapter 84.48 RCW; and amending section 84.56.400, chapter 15, Laws of 1961, as last amended by section 2, chapter 93, Laws of 1965 and RCW 84.56.400; and declaring an effective date.

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

Section 1. Section 84.36.050, chapter 15, Laws of 1961 and RCW 84.36.050 are each amended to read as follows:

The following property shall be exempt from taxation:

Property owned or used for any school or college in this state, supported in whole or in part by gifts, endowments, or charity, the entire income of which said school or college, after paying the expenses thereof, is devoted to the purposes of such institution, and which is open to all persons upon equal terms. To be exempt, such property must be used solely for educational purposes or the revenue therefrom be devoted exclusively to the support and maintenance of such institution. Real property so exempt shall not exceed ~~((one))~~ four hundred acres in extent and shall be used exclusively for college or campus purposes.

Real property owned or controlled by such institution or leased or rented by it for the purpose of deriving revenue therefrom shall not be exempt from taxation under this section.

Before any exemption provided for by this section shall be allowed for any year, the institution claiming such exemption shall file with the county assessor of the county wherein such property is situated, on or before the first day of January in such year, a statement verified by the oath of the president, treasurer, or other proper officer of the institution, containing a list of all property claimed to be exempt, the purpose for which it is used, the revenue derived from it for the preceding year, the use to which such revenue was applied, the number of students in attendance at the school or college, the total revenues of the institution with the source from which they were derived, and the purposes to which such revenues were applied, giving the items of such revenues and expenditures in detail. The county assessor of the county wherein such property is subject to taxation and such exemption is claimed, shall at all times have access to the books and records of such institution in order to determine whether any property claimed to be exempt from taxation should be exempted from the provisions of this section.

Sec. 2. Section 84.48.010, chapter 15, Laws of 1961 and RCW 84.48.010 are each amended to read as follows:

Prior to July 1st, the county commissioners ((7-or-a-majority of-them7)) shall form a board for the equalization of the assessment of the property of the county ((~~---PROVIDED7-That-in-counties-having a-city-or-cities-of-the-first-or-second-class7-the-city-council-or other-governing-body-thereof-shall-select-a-committee-of-three-members-of-such-council-or-other-governing-body-to-act-with-the-board-of county-commissioners-as-a-board-of-equalization7-as-to-all-property in-their-repective-cities7---PROVIDED-FURTHER7-That-in-counties-under township-organization7-the-chairman-of-the-township-supervisors-of the-several-townships7-at-a-meeting-called-by-the-county-auditor-for that-purpose7-shall-select-a-committee-of-three7-one-from-each-county commissioner's-district7-to-sit-with-the-county-board-of-equalization as-members-of-said-county-board-of-equalization-as-to-all-property outside-the-corporate-limits-of-any-city-or-town~~)). The members of said board ((shall)) may receive ((five)) twenty-five dollars per day for each day of actual attendance of the meeting of the board of equalization to be paid out of the current expense fund of the county: PROVIDED, That when the county commissioners constitute the board they shall not receive the per diem allowance. The board of equalization shall meet in open session for this purpose annually on the first Monday in July ((~~at-the-office-of-the-county-assessor7-who shall-act-as-clerk-of-said-board7~~)) and, having each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns of the assessment of the property of the county and proceed to equalize the same, so that each tract or lot of real property and each article or class of personal property shall be entered on the assessment list at its true and fair value, according to the measure of value used by the county assessor in such assessment year, and subject to the following rules:

First. They shall raise the valuation of each tract or lot or

item of real property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, after at least five days' notice shall have been given in writing to the owner or agent.

Second. They shall reduce the valuation of each tract or lot or item which in their opinion is returned above its true and fair value to such price or sum as they believe to be the true and fair value thereof.

Third. They shall raise the valuation of each class of personal property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, and they shall raise the aggregate value of the personal property of each individual whenever they believe that such aggregate value is less than the true valuation of the taxable personal property possessed by such individual, to such sum or amount as they believe to be the true value thereof, after at least five days' notice shall have been given in writing to the owner or agent thereof.

Fourth. They shall, upon complaint in writing of any party aggrieved, reduce the valuation of each class of personal property enumerated on the detail and assessment list of the current year, which in their opinion is returned above its true and fair value, to such price or sum as they believe to be the true and fair value thereof; and, upon like complaint, they shall reduce the aggregate valuation of the personal property of such individual who, in their opinion, has been assessed at too large a sum, to such sum or amount as they believe was the true and fair value of his personal property.

Fifth. The board may review all claims for either real or personal property tax exemption, and shall consider any taxpayer appeals from the decision of the assessor thereon to determine (1) if the taxpayer is entitled to an exemption, and (2) if so, the amount thereof.

The ((county-assessor)) clerk of the board shall keep an accu-

rate journal or record of the proceedings and orders of said board in a book kept for that purpose, showing the facts and evidence upon which their action is based, and the said record shall be published the same as other proceedings of county commissioners, and shall make a true record of the changes of the descriptions and assessed values ordered by the county board of equalization. (~~Having-corrected~~) The assessor shall correct the real and personal assessment rolls in accordance with the changes made by the said county board of equalization, and he shall make duplicate abstracts of such corrected values, one copy of which shall be retained in his office, and one copy forwarded to the state board of equalization on or before the (~~first~~) fifth day of August next following the meeting of the county board of equalization.

The county board of equalization shall meet on the first Monday in July and may continue in session and adjourn from time to time during a period not to exceed (~~two~~) four weeks, but shall remain in session not less than three days: PROVIDED, That, in addition to the several times fixed by statute, any county board of equalization may be reconvened for special or general purposes (~~at-any-time-by order-of~~), but not later than three years after the date of adjournment of its regularly convened session by order of the (state-tax commission) department of revenue.

No taxes, except special taxes, shall be extended upon the tax rolls until the property valuations are equalized by the state board of equalization for the purpose of raising the state revenue.

Boards of county commissioners as such shall at no time have any authority to change the valuation of the property of any person or to release or commute in whole or in part the taxes due on the property of any person.

NEW SECTION. Sec. 3. There is added to chapter 15, Laws of 1961 and to chapter 84.48 RCW a new section to read as follows:

The board of equalization of each county shall consist of not less than three nor more than seven members. Such members shall be

appointed by a majority of the board of county commissioners or like other county governmental authority, and shall be selected for their knowledge of the values of property in the county and shall not be a holder of any elective office nor be an employee of any elected official: PROVIDED, HOWEVER, The county commissioners may themselves constitute the board at their discretion.

NEW SECTION. Sec. 4. There is added to chapter 15, Laws of 1961 and to chapter 84.48 RCW a new section to read as follows:

The members of each board of equalization shall meet and choose a chairman. A majority of the board shall constitute a quorum.

NEW SECTION. Sec. 5. There is added to chapter 15, Laws of 1961 and to chapter 84.48 RCW a new section to read as follows:

All meetings of the board of equalization shall be held at the county courthouse, or other suitable place within the county, and the board of county commissioners shall make provision for a suitable meeting place.

NEW SECTION. Sec. 6. There is added to chapter 15, Laws of 1961 and to chapter 84.48 RCW a new section to read as follows:

The terms of each appointed member of the board shall be for three years or until their successors are appointed: PROVIDED, HOWEVER, Each appointed member may be removed by a majority vote of the county commissioners or other county legislative body.

NEW SECTION. Sec. 7. There is added to chapter 15, Laws of 1961 and to chapter 84.48 RCW a new section to read as follows:

The board may appoint a clerk of the board and any assistants the board might need, all to serve at the pleasure of the members of the board, and the clerk or his assistant, shall attend all sessions thereof, and shall keep the record. Neither the assessor nor any of his staff may serve as clerk.

NEW SECTION. Sec. 8. There is added to chapter 15, Laws of 1961 and to chapter 84.48 RCW a new section to read as follows:

The board may hire one or more appraisers certified as such by the Washington state department of personnel, society of real es-

tate appraisers, American institute of real estate appraisers, or international association of assessing officers, and not otherwise employed by the county, and other necessary personnel for the purpose of aiding the board and carrying out its functions and duties. In addition, the boards of the various counties may make reciprocal arrangements for the exchange of the appraisers with other counties. Such appraisers need not be residents of the county.

NEW SECTION. Sec. 9. There is added to chapter 15, Laws of 1961 and to chapter 84.48 RCW a new section to read as follows:

The county commissioners may provide an adequate annual budget and funds for operation and needs of the board of equalization, including, but not limited to the costs and expenses of the board, such as the meeting place, the necessary equipment and facilities, materials, the salaries of the clerk of the board and his assistants, the expenses of the members of the board during the sessions, travel, in-service training, and payment of salaries of all such employees hired by the board, to facilitate its work.

NEW SECTION. Sec. 10. There is added to chapter 15, Laws of 1961 and to chapter 84.48 RCW a new section to read as follows:

The prosecuting attorney of each county shall serve as legal advisor to the board of equalization.

NEW SECTION. Sec. 11. There is added to chapter 15, Laws of 1961 and to chapter 84.48 RCW a new section to read as follows:

The department of revenue shall establish a school for the training of members of the several boards of equalization throughout the state. Sessions of such schools shall, so far as practicable, be held in each district of the county commissioners' association. Every member of the board of equalization of each county may attend such school within one year following appointment or reappointment.

NEW SECTION. Sec. 12. There is added to chapter 15, Laws of 1961 and to chapter 84.48 RCW a new section to read as follows:

The department of revenue shall provide a manual for the operation procedures of the several boards of equalization so that

uniformity of assessment may be obtained throughout the state, and the several boards of equalization shall follow such manual in all of its operations and procedures.

Sec. 13. Section 84.56.400, chapter 15, Laws of 1961, as last amended by section 2, chapter 93, Laws of 1965 and RCW 84.56.400 are each amended to read as follows:

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.

The county board of equalization at its meeting in June shall consider such matters as appear in the 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 if 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 or county assessor under this section and RCW 84.56.390.

The county assessor may cancel or correct assessments which are erroneous due to manifest errors in description, double assessments, clerical errors in extending the rolls, and such manifest errors in the listing of the property which do not involve a revaluation of property. When the county assessor cancels or corrects an assessment, he shall send a notice to the taxpayer by registered mail advising the taxpayer that the action of the county assessor is not final, and shall be considered at the June meeting of the county board of equalization, and that such notice shall constitute legal notice of such fact, and a copy of the notice shall be sent to the county treasurer as his authority for correcting the current tax roll. When the county assessor cancels or corrects an assessment, he shall prepare and file a record of such action with the county board of equalization, setting forth therein the facts relating to such manifest error.

The county board of equalization at its meeting in June shall consider such matters as appear in the record filed with it by the county assessor and shall determine whether the action of the county assessor was justified, and shall make findings of facts upon which it bases its decision on all matters submitted to it. If the county board of equalization finds that the action of the assessor was not correct, it shall issue a supplementary roll including such corrections as are necessary, and the assessment and levy shall have the same force and effect as if made in the first instance, and the county treasurer shall proceed to collect the taxes due on the supplementary roll.

NEW SECTION. Sec. 14. The effective date of this 1970 amendatory act is July 1, 1970.

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CHAPTER 56
[Engrossed Substitute Senate Bill No. 146]
PUBLIC BONDS AND OBLIGATIONS--
INTEREST RATES

AN ACT Relating to interest rates on obligations of the state and various political subdivisions thereof; amending section 1, chapter 232, Laws of 1969 ex. sess. (uncodified); amending section 11, chapter 154, Laws of 1915 as last amended by section 64, chapter 232, Laws of 1969 ex. sess. and RCW 8.12.400; amending section 1, chapter 53, Laws of 1957 as amended by section 2, chapter 232, Laws of 1969 ex. sess. and RCW 14.08.112; amending section 2, chapter 53, Laws of 1957 as amended by section 3, chapter 232, Laws of 1969 ex. sess. and RCW 14.08.114; amending section 26, chapter 153, Laws of 1957 as amended by section 65, chapter 232, Laws of 1969 ex. sess. and RCW 17.28.260; amending section 2, chapter 59, Laws of 1955 as amended by section 4, chapter 232, Laws of 1969 ex. sess. and RCW 27.12.223; amending section 12, page 329, chapter 97, Laws of 1909 as last amended by section 66, chapter 232, Laws of 1969 ex. sess. and RCW 28.51.180; amending section 5, page 333, chapter 97, Laws of 1909 as amended by section 67, chapter 232, Laws of 1969 ex. sess. and RCW 28.52.050; amending section 6, page 334, chapter 97, Laws of 1909 as amended by section 68, chapter 232, Laws of 1969 ex. sess. and RCW 28.52.055; amending section 7, chapter 229, Laws of 1961 as amended by section 6, chapter 232, Laws of 1969 ex. sess. and RCW 28.76.192; amending section 8, chapter 229, Laws of 1961 as amended by section 7, chapter 232, Laws of 1969 ex. sess. and RCW 28.76.194; amending section 4, chapter 229, Laws of 1961 as amended by section 8, chapter 232, Laws of 1969 ex. sess. and RCW 28.76.200; amending section 3, chapter 284, Laws of 1947 as amended by section 9, chapter 232, Laws of 1969 ex. sess. and RCW 28.77.370; amending section 4, chapter 254, Laws

of 1957 as last amended by section 10, chapter 232, Laws of 1969 ex. sess. and RCW 28.77.530; amending section 8, chapter 193, Laws of 1959 as amended by section 11, chapter 232, Laws of 1969 ex. sess. and RCW 28.77.547; amending section 4, chapter 12, Laws of 1961 ex. sess. as amended by section 12, chapter 232, Laws of 1969 ex. sess. and RCW 28.80.530; amending section 7, chapter 12, Laws of 1961 ex. sess. as amended by section 13, chapter 232, Laws of 1969 ex. sess. and RCW 28.80-.560; amending section 4, chapter 14, Laws of 1961 ex. sess. as amended by section 69, chapter 232, Laws of 1969 ex. sess. and RCW 28.81.530; amending section 8, chapter 14, Laws of 1961 ex. sess. as amended by section 70, chapter 232, Laws of 1969 ex. sess. and RCW 28.81.570; amending section 7, chapter (HB 41), Laws of 1970 1st ex. sess. and RCW 28.85.350; amending section 39, chapter 8, Laws of 1967 ex. sess. as amended by section 36, chapter 232, Laws of 1969 ex. sess. and RCW 28.85.390; amending section 28B.10.310, chapter 223, Laws of 1969 ex. sess. as amended by section 96, chapter 232, Laws of 1969 ex. sess. and RCW 28B.10.310; amending section 28B.10-.315, chapter 223, Laws of 1969 ex. sess. as amended by section 97, chapter 232, Laws of 1969 ex. sess. and RCW 28B.10-.315; amending section 28B.10.325, chapter 223, Laws of 1969 ex. sess. as amended by section 98, chapter 232, Laws of 1969 ex. sess. and RCW 28B.10.325; amending section 28B.20.396, chapter 223, Laws of 1969 ex. sess. as amended by section 99, chapter 232, Laws of 1969 ex. sess. and RCW 28B.20.396; amending section 28B.20.715, chapter 223, Laws of 1969 ex. sess. as amended by section 100, chapter 232, Laws of 1969 ex. sess. and RCW 28B.20.715; amending section 28B.20.730, chapter 223, Laws of 1969 ex. sess. as amended by section 101, chapter 232, Laws of 1969 ex. sess. and RCW 28B.20.730; amending section 28B.30.730, chapter 223, Laws of 1969 ex. sess. as amended by

section 102, chapter 232, Laws of 1969 ex. sess. and RCW 28B-.30.730; amending section 28B.30.760, chapter 223, Laws of 1969 ex. sess. as amended by section 103, chapter 232, Laws of 1969 ex. sess. and RCW 28B.30.760; amending section 28B.40.730, chapter 223, Laws of 1969 ex. sess. as amended by section 104, chapter 232, Laws of 1969 ex. sess. and RCW 28B.40.730; amending section 28B.40.770, chapter 223, Laws of 1969 ex. sess. as amended by section 105, chapter 232, Laws of 1969 ex. sess. and RCW 28B.40.770; amending section 19, chapter ... (HB 41), Laws of 1970 1st ex. sess. and RCW 28B.50.350; amending section 28B.50.390, chapter 223, Laws of 1969 ex. sess. as amended by section 107, chapter 232, Laws of 1969 ex. sess. and RCW 28B.50.390; amending section 35.41.030, chapter 7, Laws of 1965 as amended by section 15, chapter 232, Laws of 1969 ex. sess. and RCW 35.41.030; amending section 35.45.020, chapter 7, Laws of 1965 as amended by section 11, chapter 258, Laws of 1969 ex. sess. and RCW 35.45.020; amending section 35.45.130, chapter 7, Laws of 1965 and RCW 35.45.130; amending section 35.45.150, chapter 7, Laws of 1965 and RCW 35.45.150; amending section 1, chapter ... (HB 37), Laws of 1970 1st ex. sess. and RCW 35.58.450; amending section 2, chapter ... (HB 37), Laws of 1970 1st ex. sess. and RCW 35.58-.460; amending section 35.58.470, chapter 7, Laws of 1965 as amended by section 18, chapter 232, Laws of 1969 ex. sess. and RCW 35.58.470; amending section 35.61.170, chapter 7, Laws of 1965 as amended by section 19, chapter 232, Laws of 1969 ex. sess. and RCW 35.61.170; amending section 35.67.080, chapter 7, Laws of 1965 as amended by section 20, chapter 232, Laws of 1969 ex. sess. and RCW 35.67.080; amending section 35.67-.140, chapter 7, Laws of 1965 as amended by section 71, chapter 232, Laws of 1969 ex. sess. and RCW 35.67.140; amending section 35.81.100, chapter 7, Laws of 1965 as amended by section 21, chapter 232, Laws of 1969 ex. sess. and RCW 35.81-.100; amending section 35.82.140, chapter 7, Laws of 1965 as

amended by section 22, chapter 232, Laws of 1969 ex. sess. and RCW 35.82.140; amending section 35.89.020, chapter 7, Laws of 1965 as amended by section 23, chapter 232, Laws of 1969 ex. sess. and RCW 35.89.020; amending section 35.92.080, chapter 7, Laws of 1965 as last amended by section 24, chapter 232, Laws of 1969 ex. sess. and RCW 35.92.080; amending section 35.92.100, chapter 7, Laws of 1965 as amended by section 25, chapter 232, Laws of 1969 ex. sess. and RCW 35.92.100; amending section 36.62.070, chapter 4, Laws of 1963 as amended by section 26, chapter 232, Laws of 1969 ex. sess. and RCW 36.62.070; amending section 3, chapter 142, Laws of 1965 as amended by section 27, chapter 232, Laws of 1969 ex. sess. and RCW 36.67.530; amending section 6, chapter 142, Laws of 1965 as amended by section 28, chapter 232, Laws of 1969 ex. sess. and RCW 36.67.560; amending section 36.76.010, chapter 4, Laws of 1963 as amended by section 72, chapter 232, Laws of 1969 ex. sess. and RCW 36.76.010; amending section 36.76.090, chapter 4, Laws of 1963 as amended by section 29, chapter 232, Laws of 1969 ex. sess. and RCW 36.76.090; amending section 36.76.140, chapter 4, Laws of 1963 as amended by section 30, chapter 232, Laws of 1969 ex. sess. and RCW 36.76.140; amending section 36.88.200, chapter 4, Laws of 1963 as amended by section 73, chapter 232, Laws of 1969 ex. sess. and RCW 36.88.200; amending section 3, chapter 4, Laws of 1917 as amended by section 74, chapter 232, Laws of 1969 ex. sess. and RCW 37.16.020; amending section 4, chapter 4, Laws of 1917 as amended by section 75, chapter 232, Laws of 1969 ex. sess. and RCW 37.16.030; amending section 3, chapter 151, Laws of 1923 as last amended by section 93, chapter 232, Laws of 1969 ex. sess. and RCW 39.44.030; amending section 1, chapter 30, Laws of 1933 ex. sess. as amended by section 76, chapter 232, Laws of 1969 ex. sess. and RCW 39.48.010; amending section 2, chapter 170,

Laws of 1895 as amended by section 31, chapter 232, Laws of 1969 ex. sess. and RCW 39.52.020; amending section 43.21.340, chapter 8, Laws of 1965 as amended by section 32, chapter 232, Laws of 1969 ex. sess. and RCW 43.21.340; amending section 47.56.140, chapter 13, Laws of 1961 as last amended by section 33, chapter 232, Laws of 1969 ex. sess. and RCW 47.56.140; amending section 33, chapter 181, Laws of 1961 as amended by section 77, chapter 232, Laws of 1969 ex. sess. and RCW 47.57-.550; amending section 47.58.040, chapter 13, Laws of 1961 as last amended by section 78, chapter 232, Laws of 1969 ex. sess. and RCW 47.58.040; amending section 47.60.060, chapter 13, Laws of 1961 as amended by section 34, chapter 232, Laws of 1969 ex. sess. and RCW 47.60.060; amending section 3, chapter 176, Laws of 1953 as last amended by section 89, chapter 232, Laws of 1969 ex. sess. and RCW 52.16.061; amending section 5, chapter 24, Laws of 1951 2nd ex. sess. as amended by section 40, chapter 232, Laws of 1969 ex. sess. and RCW 52.16.100; amending section 45, chapter 34, Laws of 1939 as amended by section 90, chapter 232, Laws of 1969 ex. sess. and RCW 52-.20.060; amending section 3, chapter 236, Laws of 1959 as amended by section 79, chapter 232, Laws of 1969 ex. sess. and RCW 53.34.030; amending section 4, chapter 236, Laws of 1959 as amended by section 80, chapter 232, Laws of 1969 ex. sess. and RCW 53.34.040; amending section 6, chapter 236, Laws of 1959 as amended by section 81, chapter 232, Laws of 1969 ex. sess. and RCW 53.34.060; amending section 3, chapter 218, Laws of 1941 as amended by section 82, chapter 232, Laws of 1969 ex. sess. and RCW 53.39.030; amending section 4, chapter 59, Laws of 1957 as last amended by section 37, chapter 232, Laws of 1969 ex. sess. and RCW 53.40.030; amending section 9, chapter 122, Laws of 1949 as last amended by section 38, chapter 232, Laws of 1969 ex. sess. and RCW 53.40.110; amending section 8, chapter 122, Laws of 1949 as last amended by section

39, chapter 232, Laws of 1969 ex. sess. and RCW 53.40.130; amending section 2, chapter 239, Laws of 1947 as amended by section 91, chapter 232, Laws of 1969 ex. sess. and RCW 53-44.020; amending section 7, chapter 1, Laws of 1931 as amended by section 14, chapter 232, Laws of 1969 ex. sess. and RCW 54.24.018; amending section 4, chapter 182, Laws of 1941 as last amended by section 83, chapter 232, Laws of 1969 ex. sess. and RCW 54.24.060; amending section 8, chapter 182, Laws of 1941 as last amended by section 84, chapter 232, Laws of 1969 ex. sess. and RCW 54.24.090; amending section 18, chapter 210, Laws of 1941 as last amended by section 85, chapter 232, Laws of 1969 ex. sess. and RCW 56.16.040; amending section 19, chapter 210, Laws of 1941 as last amended by section 86, chapter 232, Laws of 1969 ex. sess. and RCW 56.16.060; amending section 21, chapter 210, Laws of 1941 and RCW 56.16.080; amending section 11, chapter 114, Laws of 1929 as last amended by section 87, chapter 232, Laws of 1969 ex. sess. and RCW 57-20.010; amending section 3, chapter 128, Laws of 1939 as last amended by section 88, chapter 232, Laws of 1969 ex. sess. and RCW 57.20.020; amending section 6, chapter 264, Laws of 1945 as last amended by section 1, chapter 65, Laws of 1969 ex. sess. and RCW 70.44.060; amending section 13, chapter 264, Laws of 1945 as amended by section 3, chapter 65, Laws of 1969 ex. sess. and RCW 70.44.120; amending section 30, chapter 117, Laws of 1895 as amended by section 43, chapter 232, Laws of 1969 ex. sess. and RCW 85.05.300; amending section 1, chapter 156, Laws of 1913 as amended by section 50, chapter 232, Laws of 1969 ex. sess. and RCW 85.05.480; amending section 27, chapter 115, Laws of 1895 as amended by section 51, chapter 232, Laws of 1969 ex. sess. and RCW 85.06.270; amending section 1, part, chapter 174, Laws of 1927 as amended by section 52, chapter 232, Laws of 1969 ex. sess. and RCW 85.06.321; amending section 2, chapter 103, Laws of 1935 as amended by [424]

section 53, chapter 232, Laws of 1969 ex. sess. and RCW 85.07-.070; amending section 13, chapter 26, Laws of 1949 as amended by section 54, chapter 232, Laws of 1969 ex. sess. and RCW 85-.16.180; amending section 194, chapter 72, Laws of 1937 as amended by section 44, chapter 232, Laws of 1969 ex. sess. and RCW 86.09.580; amending section 200, chapter 72, Laws of 1937 as amended by section 45, chapter 232, Laws of 1969 ex. sess. and RCW 86.09.598; amending section 15, page 679, Laws of 1889-90 as last amended by section 46, chapter 232, Laws of 1969 ex. sess. and RCW 87.03.200; amending section 3, chapter 161, Laws of 1923 as amended by section 55, chapter 232, Laws of 1969 ex. sess. and RCW 87.19.030; amending section 20, chapter 120, Laws of 1929 as last amended by section 56, chapter 232, Laws of 1969 ex. sess. and RCW 87.22.150; amending section 21, chapter 120, Laws of 1929 as amended by section 57, chapter 232, Laws of 1969 ex. sess. and RCW 87.22.160; amending section 2, chapter 57, Laws of 1949 as amended by section 58, chapter 232, Laws of 1969 ex. sess. and RCW 87.28-.020; amending section 6, chapter 57, Laws of 1949 as amended by section 59, chapter 232, Laws of 1969 ex. sess. and RCW 87-.28.070; amending section 10, chapter 236, Laws of 1907 as amended by section 60, chapter 232, Laws of 1969 ex. sess. and RCW 88.32.140; amending section 140, chapter 254, Laws of 1927 as amended by section 61, chapter 232, Laws of 1969 ex. sess. and RCW 89.30.418; amending section 174, chapter 254, Laws of 1927 as amended by section 62, chapter 232, Laws of 1969 ex. sess. and RCW 89.30.520; amending section 35, chapter 8, Laws of 1909 as last amended by section 47, chapter 232, Laws of 1969 ex. sess. and RCW 91.04.490; amending section 46, chapter 23, Laws of 1911 as amended by section 48, chapter 232, Laws of 1969 ex. sess. and RCW 91.08.480; amending section 4, chapter 80, Laws of 1899 and RCW 39.56.020; repealing section 1, chapter 151, Laws of 1965 ex. sess. as amended by section 41,

chapter 232, Laws of 1969 ex. sess. and RCW 79.24.610; repealing section 2, chapter 151, Laws of 1965 ex. sess. as amended by section 42, chapter 232, Laws of 1969 ex. sess. and RCW 79.24.612; providing effective dates and for the expiration of sections hereof; and declaring an emergency.

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

Section 1. Section 1, chapter 232, Laws of 1969 ex. sess. (uncodified) is amended to read as follows:

Because market conditions are such that the state, state agencies, state colleges and universities, and the political subdivisions, municipal corporations and quasi municipal corporations of this state are finding it increasingly difficult and, in some cases, impossible to market bond issues and all other obligations, at the maximum permissible rate of interest payable on such bonds and obligations, it is the purpose of this ((1969)) 1970 amendatory act to ~~((increase-the-permissible-maximum-rate-of-interest-payable-on-such-bonds-to-eight-percent-per-annum))~~ remove all maximum rates of interest payable on such bonds and obligations.

Sec. 2. Section 11, chapter 154, Laws of 1915 as last amended by section 64, chapter 232, Laws of 1969 ex. sess. and RCW 8.12.400 are each amended to read as follows:

Such bonds shall be issued only in pursuance of ordinances of the city directing the issuance of the same, and by their terms shall be made payable on or before a date not to exceed twelve years from and after their date, which latter date may be fixed by resolution or ordinance by council or other legislative body of said city and shall bear interest ~~((not-exceeding-eight-percent-per-annum))~~ at such rate or rates as may be authorized by the council or other legislative body of said city, which interest shall be payable annually, or semiannually, as may be provided by resolution or ordinance, and each bond shall have attached thereto interest coupons for each interest payment: PROVIDED, That the legislative body of any city of

the first class having a population of three hundred thousand inhabitants, or more, issuing any bonds hereunder may by ordinance, passed by unanimous vote, authorize the issuance of such bonds payable on or before a date not to exceed twenty-two years from and after the date of the issue of such bonds, and shall in such ordinance provide that said bonds shall be sold at not less than par and shall bear interest (~~(at not to exceed eight percent per annum)~~) at such rate or rates as may be authorized by the legislative body.

Such bonds shall be in such denominations as shall be provided in the resolution or ordinance authorizing their issuance and shall be numbered from one upwards, consecutively, and each bond and coupon shall be signed by the mayor and attested by the clerk or controller of such city: PROVIDED, HOWEVER, That said coupons may in lieu of being so signed have printed thereon a facsimile of the signature of said officers and each bond shall have the seal of such city affixed thereto and shall refer to the improvement to pay for which the same shall be issued and to the ordinance authorizing the same. Each bond shall provide that the principal sum therein named, and the interest thereon, shall be payable out of the local improvement fund created for the payment of the cost and expense of such improvement, and not otherwise. Such bonds shall not be issued in any amount in excess of the cost and expense of the improvement.

Sec. 3. Section 1, chapter 53, Laws of 1957 as amended by section 2, chapter 232, Laws of 1969 ex. sess. and RCW 14.08.112 are each amended to read as follows:

Municipalities, including any governmental subdivision which may be hereafter authorized by law to own, control and operate an airport or other air navigation facility, are hereby authorized to issue revenue bonds to provide part or all of the funds required to accomplish the powers granted them by chapter 14.08 RCW, and to construct, acquire by purchase or condemnation, equip, add to, extend, enlarge, improve, replace and repair airports, facilities and structures thereon including but not being limited to facilities for the

servicing of aircraft and for the comfort and accommodation of air travelers, and other properties incidental to the operation of airports and to pay all costs incidental thereto.

The legislative body of the municipality shall create a special fund for the sole purpose of paying the principal of and interest on the bonds of each issue, into which fund the legislative body shall obligate the municipality to pay an amount of the gross revenue derived from its ownership, control, use and operation of the airport and all airport facilities and structures thereon and used and operated in connection therewith, including but not being limited to fees charged for all uses of the airport and facilities, rentals derived from leases of part or all of the airport, buildings and any or all air navigation facilities thereon, fees derived from concessions granted, and proceeds of sales of part or all of the airport and any or all buildings and structures thereon or equipment therefor, sufficient to pay the principal and interest as the same shall become due, and to maintain adequate reserves therefor if necessary. Revenue bonds and the interest thereon shall be payable only out of and shall be a valid claim of the holder thereof only as against the special fund and the revenue pledged to it, and shall not constitute a general indebtedness of the municipality.

Each revenue bond and interest coupon attached thereto shall name the fund from which it is payable and state upon its face that it is only payable therefrom; however, all revenue bonds and interest coupons issued under RCW 14.08.112 and 14.08.114 shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state. Each issue of revenue bonds may be bearer coupon bonds or may be registered either as to principal only or as to principal and interest; shall be in the denomination or denominations the legislative body of the municipality shall deem proper; shall be payable at the time or times and at the place or places as shall be determined by the legislative body; shall bear interest (~~over the life of the issue at a net interest cost to the~~

~~municipality-of-not-to-exceed-eight-percent-per-annum-and-no-semi-annual-interest-on-any-bonds-shall-be-greater-than-eight-percent+ PROVIDED,-HOWEVER,-That-the-amount-of-the-premium,-if-any,-to-be-paid on-the-redemption-of-bonds-prior-to-their-maturity-shall-not-be-considered-in-determining-the-net-interest-cost))~~ at such rate or rates as authorized by the legislative body; shall be signed on behalf of the municipality by the chairman of the board of county commissioners, mayor of the city or town, president of the port commission, and similar officer of any other municipality, shall be attested by the county auditor, the clerk or comptroller of the city or town, the secretary of the port commission, and similar officer of any other municipality, one of which signatures may be a facsimile signature, and shall have the seal of the municipality impressed thereon; each of the interest coupons attached thereto shall be signed by the facsimile signatures of said officials. Revenue bonds shall be sold in the manner as the legislative body of the municipality shall deem best, either at public or private sale.

The municipality at the time of the issuance of revenue bonds may provide covenants as it may deem necessary to secure and guarantee the payment of the principal thereof and interest thereon, including but not being limited to covenants to create a reserve fund or account and to authorize the payment or deposit of certain moneys therein for the purpose of securing or guaranteeing the payment of the principal and interest, to establish and maintain rates, charges, fees, rentals and sales prices sufficient to pay the principal and interest and to maintain an adequate coverage over annual debt service, to appoint a trustee for the bondholders and a trustee for the safeguarding and disbursing of the proceeds of sale of the bonds and to fix the powers and duties of the trustee or trustees, and to make any and all other covenants as the legislative body may deem necessary to its best interest and that of its inhabitants to accomplish the most advantageous sale possible of the bonds. The legislative body may also provide that revenue bonds payable out of the same

source or sources may later be issued on a parity with revenue bonds being issued and sold.

The legislative body of the municipality may include an amount for working capital and an amount necessary for interest during the period of construction of the airport or any facilities plus six months, in the principal amount of any revenue bond issue; if it deems it to the best interest of the municipality and its inhabitants, it may provide in any contract for the construction or acquisition of an airport or facilities that payment therefor shall be made only in revenue bonds at the par value thereof.

If the municipality or any of its officers shall fail to carry out any of its or their obligations, pledges or covenants made in the authorization, issuance and sale of bonds, the holder of any bond or the trustee may bring action against the municipality and/or said officers to compel the performance of any or all of the covenants.

Sec. 4. Section 2, chapter 53, Laws of 1957 as amended by section 3, chapter 232, Laws of 1969 ex. sess. and RCW 14.08.114 are each amended to read as follows:

When any municipality has outstanding revenue bonds or warrants payable solely from revenues derived from the ownership, control, use and operation of the airport and all its facilities and structures thereon used and operated in connection therewith, the legislative body thereof may provide for the issuance of funding or refunding bonds to fund or refund outstanding warrants or bonds or any part thereof at or before maturity, and may combine various outstanding warrants and various series and issues of outstanding bonds in the amount thereof to be funded or refunded and may issue funding or refunding bonds to pay any redemption premium and interest payable on the outstanding revenue warrants or bonds being funded or refunded. The legislative body of the municipality shall create a special fund for the sole purpose of paying the principal of and interest on funding or refunding bonds, into which fund the legislative body shall obligate the municipality to pay an amount of the gross revenue de-

rived from its ownership, control, use and operation of the airport and all airport facilities and structures thereon as provided in RCW 14.08.112, sufficient to pay the principal and interest as the same shall become due, and to maintain adequate reserves therefor if necessary. Bonds and the interest thereon shall be payable only out of and shall be a valid claim of the holder thereof only as against the special fund and the revenue pledged to it, and shall not constitute a general indebtedness of the municipality.

The net interest cost to maturity on funding or refunding bonds shall ~~((net-exceed-eight-percent-per-annum--PROVIDED, HOWEVER, That the amount of premium, if any, to be paid on the redemption of funding or refunding bonds prior to their maturity shall not be considered in determining net interest cost))~~ be at such rate or rates as shall be authorized by the legislative body.

The municipality may exchange funding or refunding bonds at par for the warrants or bonds which are being funded or refunded, or it may sell the funding or refunding bonds in the manner as it shall deem for the best interest of the municipality and its inhabitants, either at public or private sale. Funding or refunding bonds shall be governed by and issued under and in accordance with the provisions of RCW 14.08.112 with respect to revenue bonds unless there is a specific provision to the contrary in this section.

Sec. 5. Section 26, chapter 153, Laws of 1957 as amended by section 65, chapter 232, Laws of 1969 ex. sess. and RCW 17.28.260 are each amended to read as follows:

A mosquito control district shall have the power to issue general obligation bonds and to pledge the full faith and credit of the district to the payment thereof, for any authorized purpose or purposes of the mosquito control district: PROVIDED, That a proposition authorizing the issuance of such bonds shall have been submitted to the electors of the mosquito control district at a special or general election and assented to by three-fifths of the persons voting on said proposition at said election at which such election the total

number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of votes cast within the area of said mosquito control district at the last preceding county or state general election.

General obligation bonds shall bear interest (~~(at a rate of not to exceed eight percent per annum)~~) at a rate or rates as authorized by the board of trustees. The various annual maturities shall commence not more than two years from the date of issue of the bonds and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies.

Such bonds shall never be issued to run for a longer period than ten years from the date of issue.

The bonds shall be signed by the presiding officer of the board of trustees of the district and shall be attested by the secretary of the board, one of which signatures may be a facsimile signature and the seal of the mosquito control district shall be impressed thereon. Each of the interest coupons shall be signed by the facsimile signatures of said officials. General obligation bonds shall be sold at public sale as provided by law for sale of general obligation bonds of cities of the first class and at a price not less than par and accrued interest.

There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy in excess of the forty mill tax limitation sufficient to meet the annual or semiannual payments of the principal and interest on the said bonds maturing as herein provided upon all taxable property within the mosquito control district.

Sec. 6. Section 2, chapter 59, Laws of 1955 as amended by section 4, chapter 232, Laws of 1969 ex. sess. and RCW 27.12.223 are each amended to read as follows:

Bonds authorized by RCW 27.12.222 shall be serial in form and maturity and numbered from one upward consecutively. Only bond No. 1
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of any issue shall be of a denomination other than a multiple of one hundred dollars. The resolution authorizing the issuance of the bonds shall fix the rate of interest the bonds shall bear (~~at not to exceed eight percent per annum~~), and the place and date of payment of principal and interest. The bonds shall be signed by the chairman of the board of library trustees and attested by the secretary. Coupons in lieu of being signed may bear the facsimile signature of such officers. Bonds shall be sold in such manner as the board of library trustees deems for the best interests of the district. All such bonds shall be legal securities for any bank or trust company for deposit with the state treasurer or any county or city treasurer as security for deposits in lieu of a surety bond under any law relating to deposits of public moneys.

Sec. 7. Section 12, page 329, chapter 97, Laws of 1909 as last amended by section 66, chapter 232, Laws of 1969 ex. sess. and RCW 28.51.180 are each amended to read as follows:

Whenever any bonds lawfully issued by any school district under the provisions of this act shall reach maturity and shall remain unpaid, or may be paid under any option provided in the bonds, the board of directors thereof shall have the power without any vote of the school district to fund the same by issuing coupon bonds conformable to the requirements of this act and sell the same at not less than their par value and use the proceeds exclusively for the purpose of retiring and canceling such outstanding bonds as aforesaid, or the said directors may in their discretion exchange such refunding bonds par for par for such outstanding bonds: PROVIDED, That such bonds shall be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, shall be redeemable within twenty years from the date of issue, and shall (~~draw a rate of interest not to exceed eight percent per annum~~) bear interest at such rate or rates as authorized by the board of directors.

Sec. 8. Section 5, page 333, chapter 97, Laws of 1909 as amended by section 67, chapter 232, Laws of 1969 ex. sess. and RCW

28.52.050 are each amended to read as follows:

If the indebtedness of such school district is validated and ratified, as provided in this chapter, by three-fifths of the voters voting at such election, the board of directors of such school district, without any further vote, may borrow money and issue negotiable coupon bonds therefor. Bonds so issued shall bear a rate or rates of interest (~~(not-to-exceed-eight-percent-per-annum)~~) as authorized by the board of directors, interest payable semiannually, payable and redeemable at such time and place as designated in the bonds, but not exceeding twenty years from date of issue. The bonds and coupons shall be in such form as the board of directors shall prescribe, and payable at such place as may be designated therein. In all school districts of the second or third class, said bonds, with the coupons, must be signed by the board of directors and countersigned by the clerk of the school district. In school districts of the first class said bonds, with the coupons, must be signed in the corporate name of the district, by the president of the board of directors thereof.

Sec. 9. Section 6, page 334, chapter 97, Laws of 1909 as amended by section 68, chapter 232, Laws of 1969 ex. sess. and RCW 28.52.055 are each amended to read as follows:

When authorized to issue bonds, as provided in this chapter, the board of directors shall, at a meeting of such board, by resolution provide for the issuing of such bonds, prescribing their number, amount and term, and shall deliver a copy of said resolution to the county treasurer of the county in which such school district is situated or to which it belongs as provided in this act, who shall immediately advertise for sale said bonds, and the law relating to other school bonds shall govern, control and apply to bonds issued or sold under this chapter, except that bonds issued under this chapter shall (~~(not-bear-a-greater-rate-of-interest-than-eight-percent-per-annum)~~) bear interest at such rate or rates as authorized by the board of directors, and they may be sold in such amounts or blocks

as the board of directors may direct, and such board may also require all persons bidding for said bonds, except the state of Washington, to deposit one percent of the par value of the bonds bid for on depositing with the treasurer their bids, and if the bidder fails to take and pay for the bonds for which he bid, in case of their sale to him, the amount so deposited shall be forfeited to the school district, otherwise to be returned to such bidder, and a resale of such bonds so refused to be taken may be made as if the bid for the same had been rejected, and the money arising from the sale of the bonds issued under this chapter shall be applied as provided in RCW 28.52-.050.

Sec. 10. Section 7, chapter 229, Laws of 1961 as amended by section 6, chapter 232, Laws of 1969 ex. sess. and RCW 28.76.192 are each amended to read as follows:

Each issue or series of such bonds: Shall be sold at (~~(a price which will result in a net interest cost over the life thereof of not to exceed eight percent per annum, and no single interest or coupon rate shall be greater than eight percent per annum)~~ such price and at such rate or rates of interest; may be serial or term bonds, may mature at such time or times in not to exceed forty years from date of issue; may be sold at public or private sale; may be payable both principal and interest at such place or places; may be subject to redemption prior to any fixed maturities; may be in such denominations; may be payable to bearer or to the purchaser or purchasers thereof or may be registrable as to principal or principal and interest at the option of the holder; may be issued under and subject to such terms, conditions, and covenants providing for the payment of the principal thereof and interest thereon, which may include the creation and maintenance of a reserve fund or account to secure the payment of such principal and interest and a provision that additional bonds payable out of the same source or sources may later be issued on a parity therewith, and such other terms, conditions, covenants and protective provisions safeguarding such payment, all as determin-

ed and found necessary and desirable by said boards of regents or trustees. If found reasonably necessary and advisable, such boards of regents or trustees may select a trustee for the owners and holders of each such issue or series of bonds and/or for the safeguarding and disbursements of the proceeds of their sale for the uses and purposes for which they were issued and, if such trustee or trustees are so selected, shall fix its or their rights, duties, powers, and obligations. The bonds of each such issue or series: Shall be executed on behalf of such universities or colleges by the president of the board of regents or the chairman of the board of trustees, and shall be attested by the secretary of such board, one of which signatures may be a facsimile signature; and shall have the seal of such university or college impressed, printed, or lithographed thereon, and the interest coupons attached thereto shall be executed with the facsimile signatures of said officials. The bonds of each such issue or series and each of the coupons attached thereto shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state even though they shall be payable solely from any special fund or funds.

Sec. 11. Section 8, chapter 229, Laws of 1961 as amended by section 7, chapter 232, Laws of 1969 ex. sess. and RCW 28.76.194 are each amended to read as follows:

Such boards of regents or trustees may from time to time provide for the issuance of funding or refunding revenue bonds to fund or refund at or prior to maturity any or all bonds of other indebtedness, including any premiums or penalties required to be paid to effect such funding or refunding, heretofore or hereafter issued or incurred to pay all or part of the cost of acquiring, constructing, or installing any lands, buildings, or facilities of the nature described in RCW 28.76.180.

Such funding or refunding bonds and each of the coupons attached thereto shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state. ((The

~~net-interest-cost-over-the-life-of-such-funding-or-refunding-bonds shall-not-exceed-eight-percent-per-annum,-and-the-amount-of-any-premium-or-penalty-paid-to-effect-such-funding-or-refunding-shall-not-be-considered-in-determining-such-net-interest-cost.)~~

Such funding or refunding bonds may be exchanged for or applied to the payment of the bonds or other indebtedness being funded or refunded or may be sold in such manner and at such price and at such rate or rates of interest as the boards of regents or trustees deem advisable, either at public or private sale.

The provisions of this chapter relating to the maturities, terms, conditions, covenants, interest rate, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

Sec. 12. Section 4, chapter 229, Laws of 1961 as amended by section 8, chapter 232, Laws of 1969 ex. sess. and RCW 28.76.200 are each amended to read as follows:

The rate or rates of interest on the principal of any obligation made or incurred under the authority granted in RCW 28.76.180 shall (~~not-exceed-eight-percent-per-annum~~) be as authorized by the board of regents or trustees.

Sec. 13. Section 3, chapter 284, Laws of 1947 as amended by section 9, chapter 232, Laws of 1969 ex. sess. and RCW 28.77.370 are each amended to read as follows:

Bonds issued pursuant to the authority granted under subdivision (4) of RCW 28.77.360--

(1) shall not constitute (a) an obligation, either general or special, of the state of*[or] (b) a general obligation of the University of Washington or of the board:

(2) shall be--

(a) either registered or in coupon form, and

(b) issued in denominations of not less than one hundred dollars;

(3) shall state--

- (a) the date of issue, and
- (b) the series of the issue and be consecutively numbered within the series, and
- (c) that the bond is payable only out of a special fund established for the purpose, and designate the fund;
- (4) shall bear interest, payable either annually or semiannually as the board may determine (~~(7--at-a-rate-not-to-exceed-eight percent-per-annum)~~);
- (5) shall be payable solely out of--
 - (a) revenue derived from operating, managing and leasing the university tract, and
 - (b) a special fund, created by the board for the purpose, consisting either of (i) a fixed proportion, or (ii) a fixed amount out of and not exceeding a fixed proportion, or (iii) a fixed amount without regard to any fixed proportion, of the revenue so derived.
- (6) may contain covenants by the board in conformity with the provisions of RCW 28.77.380(2);
- (7) shall be payable at such times over a period of not to exceed thirty years, in such manner and at such place or places as the board determines;
- (8) shall be executed in such manner as the board by resolution determines;
- (9) shall be sold in such manner as the board deems for the best interest of the University of Washington.

Sec. 14. Section 4, chapter 254, Laws of 1957 as last amended by section 10, chapter 232, Laws of 1969 ex. sess. and RCW 28.77.530 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

- (1) Shall not constitute

- (a) An obligation, either general or special, of the state;
or
- (b) A general obligation of the University of Washington or of the board;
- (2) Shall be
- (a) Either registered or in coupon form; and
- (b) Issued in denominations of not less than one hundred dollars; and
- (c) Fully negotiable instruments under the laws of this state; and
- (d) Signed on behalf of the university by the president of the board, attested by the secretary of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;
- (3) Shall state
- (a) The date of issue; and
- (b) The series of the issue and be consecutively numbered within the series; and
- (c) That the bond is payable both principal and interest solely out of the bond retirement fund;
- (4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine (~~at an effective rate not to exceed eight percent per annum over the life thereof, and no single interest or coupon rate shall exceed eight percent per annum~~);
- (5) Shall be payable both principal and interest out of the bond retirement fund;
- (6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe (~~(, but never at a price at which the net interest cost over the life thereof shall exceed eight percent per annum)~~);

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with this chapter, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the general tuition fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the University of Washington building account to the bond retirement fund when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the University of Washington building account and shall be used solely for paying the

costs of the projects.

Sec. 15. Section 8, chapter 193, Laws of 1959 as amended by section 11, chapter 232, Laws of 1969 ex. sess. and RCW 28.77.547 are each amended to read as follows:

The board is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by this chapter for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the University of Washington or the board. (~~(The net interest cost to maturity on such refunding bonds shall not exceed eight percent per annum nor shall any single interest or coupon rate exceed eight percent per annum.)~~) The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner, at such price and at such rate or rates of interest as it deems for the best interest of the university.

Sec. 16. Section 4, chapter 12, Laws of 1961 ex. sess. as amended by section 12, chapter 232, Laws of 1969 ex. sess. and RCW 28.80.530 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

- (1) Shall not constitute
 - (a) An obligation, either general or special, of the state; or
 - (b) A general obligation of Washington State University or of the board;

- (2) Shall be

- (a) Either registered or in coupon form; and
- (b) Issued in denominations of not less than one hundred dollars; and
- (c) Fully negotiable instruments under the laws of this state; and
- (d) Signed on behalf of the university by the president of the board, attested by the secretary of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;
- (3) Shall state
- (a) The date of issue; and
- (b) The series of the issue and be consecutively numbered within the series; and
- (c) That the bond is payable both principal and interest solely out of the bond retirement fund;
- (4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine (~~at an effective rate not to exceed eight percent per annum over the life thereof, and no single interest or coupon rate shall exceed eight percent per annum~~);
- (5) Shall be payable both principal and interest out of the bond retirement fund;
- (6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;
- (7) Shall be sold in such manner and at such price as the board may prescribe (~~(7-but-never-at-a-price-at-which-the-net-interest cost-over-the-life-thereof-shall-exceed-eight-percent-per-annum)~~);
- (8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof

and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28.80.500 through 28.80.580, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the general tuition fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the Washington State University building account to the bond retirement fund when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the Washington State University building account and shall be used solely for paying the costs of the projects.

Sec. 17. Section 7, chapter 12, Laws of 1961 ex. sess. as amended by section 13, chapter 232, Laws of 1969 ex. sess. and RCW 28.80.560 are each amended to read as follows:

The board is hereby empowered to issue refunding bonds to pro-

vide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by RCW 28.80.500 through 28.80.580 for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of Washington State University or the board. ~~((The net interest cost to maturity on such refunding bonds shall not exceed eight percent per annum nor shall any single interest or coupon rate exceed eight percent per annum.))~~ The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner, at such price and at such rate or rates of interest as it deems for the best interest of the university.

Sec. 18. Section 4, chapter 14, Laws of 1961 ex. sess. as amended by section 69, chapter 232, Laws of 1969 ex. sess. and RCW 28.81.530 are each amended to read as follows:

For the purpose of financing the cost of any projects, each of the boards is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) An obligation, either general or special, of the state;

or

(b) A general obligation of the college or of the board;

(2) Shall be

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the college by the chairman of the board, attested by the secretary of the board, have the seal of the college impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine (~~at an effective rate not to exceed eight percent per annum over the life thereof, and no single interest or coupon rate shall exceed eight percent per annum~~);

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe (~~but never at a price at which the net interest cost over the life thereof shall exceed eight percent per annum~~);

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28.81.500 through 28.81.590, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the general tuition fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the capital projects account of the college issuing the bonds to the bond retirement fund of such college when ordered by the board of trustees in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college issuing the bonds and shall be used solely for paying the costs of the projects.

Sec. 19. Section 8, chapter 14, Laws of 1961 ex. sess. as amended by section 70, chapter 232, Laws of 1969 ex. sess. and RCW 28.81.570 are each amended to read as follows:

Each board of trustees is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by RCW 28.81.500 through 28.81.590 for the issu-

ance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the college of Washington issuing the bonds or the board thereof. (~~The net interest cost to maturity on such refunding bonds shall not exceed eight percent per annum nor shall any single interest or coupon rate exceed eight percent per annum.~~) The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner, at such price and at such rate or rates of interest as it deems for the best interest of the college.

Sec. 20. Section 7, chapter ... (HB 41), Laws of 1970 1st ex. sess. and RCW 28.85.350 are each amended to read as follows:

For the purpose of financing the cost of any projects, the college board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable.

Said bonds:

- (1) Shall not constitute
 - (a) an obligation, either general or special, of the state;or
 - (b) a general obligation of the college or of the college board;
- (2) Shall be
 - (a) either registered or in coupon form; and
 - (b) issued in denominations of not less than one hundred dollars; and
 - (c) fully negotiable instruments under the laws of this state; and
 - (d) signed on behalf of the college board with the manual or facsimile signature of the chairman of the board, attested by the secretary of the board, have the seal of the college board impressed thereon or a facsimile of such seal printed or lithographed in the

bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;

(3) Shall state

(a) the date of issue; and

(b) the series of the issue and be consecutively numbered within the series; and

(c) that the bond is payable both principal and interest solely out of the bond retirement fund created for retirement thereof;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine (~~at an effective rate not to exceed eight percent per annum over the life thereof, and no single interest or coupon rate shall exceed eight percent per annum~~).

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;

(8) Shall be issued under the *[and] subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28.85.330 through 28.85.400, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts

be set aside and maintained therein;

(b) A covenant that sufficient moneys may be transferred from the capital projects account of the college board issuing the bonds to the bond retirement fund of the college board when ordered by the board in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(c) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college board and shall be used solely for paying the costs of the projects, the costs of bond counsel and professional bond consultants incurred in issuing the bonds, and for the purposes set forth in (8)(b) above;

(9) Shall constitute a prior lien and charge against forty percent of all general tuition fees of the community colleges.

Sec. 21. Section 39, chapter 8, Laws of 1967 ex. sess. as amended by section 36, chapter 232, Laws of 1969 ex. sess. and RCW 28.85.390 are each amended to read as follows:

The college board is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by RCW 28.85.330 through 28.85.400 for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the college board. ~~((The-effective-interest-cost-to-maturity-on-such-refunding-bonds-shall-not-exceed-eight-percent-per-annum-or-shall-any~~

~~single-interest-or-coupon-rate-exceed-eight-percent-per-annum~~) The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner, at such price and at such rate or rates of interest as it deems for the best interest of the college.

Sec. 22. Section 28B.10.310, chapter 223, Laws of 1969 ex. sess. as amended by section 96, chapter 232, Laws of 1969 ex. sess. and RCW 28B.10.310 are each amended to read as follows:

Each issue or series of such bonds: Shall be sold at ~~(a-price-which will result in a net interest cost over the life thereof of not to exceed eight percent per annum, and no single interest or coupon rate shall be greater than eight percent per annum)~~ such price and at such rate or rates of interest; may be serial or term bonds; may mature at such time or times in not to exceed forty years from date of issue; may be sold at public or private sale; may be payable both principal and interest at such place or places; may be subject to redemption prior to any fixed maturities; may be in such denominations; may be payable to bearer or to the purchaser or purchasers thereof or may be registrable as to principal or principal and interest at the option of the holder; may be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon, which may include the creation and maintenance of a reserve fund or account to secure the payment of such principal and interest and a provision that additional bonds payable out of the same source or sources may later be issued on a parity therewith, and such other terms, conditions, covenants and protective provisions safeguarding such payment, all as determined and found necessary and desirable by said boards of regents or trustees. If found reasonably necessary and advisable, such boards of regents or trustees may select a trustee for the owners and holders of each such issue or series of bonds and/or for the safeguarding and disbursements of the proceeds of their sale for the uses and purposes for which they were issued and, if such trustee or trustees are so selected, shall fix its or their

rights, duties, powers, and obligations. The bonds of each such issue or series: Shall be executed on behalf of such universities or colleges by the president of the board of regents or the chairman of the board of trustees, and shall be attested by the secretary of such board, one of which signatures may be a facsimile signature; and shall have the seal of such university or college impressed, printed, or lithographed thereon, and the interest coupons attached thereto shall be executed with the facsimile signatures of said officials. The bonds of each such issue or series and each of the coupons attached thereto shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state even though they shall be payable solely from any special fund or funds.

Sec. 23. Section 28B.10.315, chapter 223, Laws of 1969 ex. sess. as amended by section 97, chapter 232, Laws of 1969 ex. sess. and RCW 28B.10.315 are each amended to read as follows:

Such boards of regents or trustees may from time to time provide for the issuance of funding or refunding revenue bonds to fund or refund at or prior to maturity any or all bonds of other indebtedness, including any premiums or penalties required to be paid to effect such funding or refunding, heretofore or hereafter issued or incurred to pay all or part of the cost of acquiring, constructing, or installing any lands, buildings, or facilities of the nature described in RCW 28B.10.300.

Such funding or refunding bonds and each of the coupons attached thereto shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state. ((The net-interest-cost-over-the-life-of-such-funding-or-refunding-bonds shall-not-exceed-eight-percent-per-annum,-and-the-amount-of-any-premium-or-penalty-paid-to-effect-such-funding-or-refunding-shall-not-be considered-in-determining-such-net-interest-cost-))

Such funding or refunding bonds may be exchanged for or applied to the payment of the bonds or other indebtedness being funded or refunded or may be sold in such manner and at such price, and at

such rate or rates of interest as the boards of regents or trustees deem advisable, either at public or private sale.

The provisions of this chapter relating to the maturities, terms, conditions, covenants, interest rate, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

Sec. 24. Section 28B.10.325, chapter 223, Laws of 1969 ex. sess. as amended by section 98, chapter 232, Laws of 1969 ex. sess. and RCW 28B.10.325 are each amended to read as follows:

The rate or rates of interest on the principal of any obligation made or incurred under the authority granted in RCW 28B.10.300 shall (~~((not-exceed-eight-percent-per-annum))~~) be as authorized by the board of regents or trustees.

Sec. 25. Section 28B.20.396, chapter 223, Laws of 1969 ex. sess. as amended by section 99, chapter 232, Laws of 1969 ex. sess. and RCW 28B.20.396 are each amended to read as follows:

Bonds issued pursuant to the authority granted under subdivision (4) of RCW 28B.20.392--

- (1) shall not constitute (a) an obligation, either general or special, of the state or (b) a general obligation of the University of Washington or of the board;
- (2) shall be--
 - (a) either registered or in coupon form, and
 - (b) issued in denominations of not less than one hundred dollars;
- (3) shall state--
 - (a) the date of issue, and
 - (b) the series of the issue and be consecutively numbered within the series, and
 - (c) that the bond is payable only out of a special fund established for the purpose, and designate the fund;
- (4) shall bear interest, payable either annually, or semiannually as the board may determine (~~((--at-a-rate-not-to-exceed-eight~~

percent-per-annum));

(5) shall be payable solely out of--

(a) revenue derived from operating, managing and leasing the university tract, and

(b) a special fund, created by the board for the purpose, consisting either of (i) a fixed proportion, or (ii) a fixed amount out of and not exceeding a fixed proportion, or (iii) a fixed amount without regard to any fixed proportion, of the revenue so derived;

(6) may contain covenants by the board in conformity with the provisions of RCW 28B.20.398(2);

(7) shall be payable at such times over a period of not to exceed thirty years, in such manner and at such place or places as the board determines;

(8) shall be executed in such manner as the board by resolution determines;

(9) shall be sold in such manner as the board deems for the best interest of the University of Washington.

Sec. 26. Section 28B.20.715, chapter 223, Laws of 1969 ex. sess. as amended by section 100, chapter 232, Laws of 1969 ex. sess. and RCW 28B.20.715 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable.

Said bonds:

(1) Shall not constitute

(a) An obligation, either general or special, of the state;

or

(b) A general obligation of the University of Washington or of the board;

(2) Shall be

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the university by the president of the board, attested by the secretary of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine (~~at an effective rate not to exceed eight percent per annum over the life thereof, and no single interest or coupon rate shall exceed eight percent per annum~~);

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe; (~~but never at a price at which the net interest cost over the life thereof shall exceed eight percent per annum~~);

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants

and protective provisions safeguarding such payment, not inconsistent with this chapter, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the general tuition fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the University of Washington building account to the bond retirement fund when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the University of Washington building account and shall be used solely for paying the costs of the projects.

Sec. 27. Section 28B.20.730, chapter 223, Laws of 1969 ex. sess. as amended by section 101, chapter 232, Laws of 1969 ex. sess. and RCW 28B.20.730 are each amended to read as follows:

The board is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the

bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by this chapter for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the University of Washington or the board. (~~(The net interest cost to maturity on such refunding bonds shall not exceed eight percent per annum nor shall any single interest or coupon rate exceed eight percent per annum.)~~) The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner, at such price and at such rate or rates of interest as it deems for the best interest of the university.

Sec. 28. Section 28B.30.730, chapter 223, Laws of 1969 ex. sess. as amended by section 102, chapter 232, Laws of 1969 ex. sess. and RCW 28B.30.730 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

- (1) Shall not constitute
- (a) An obligation, either general or special, of the state;

or

- (b) A general obligation of Washington State University or of the board;

- (2) Shall be

- (a) Either registered or in coupon form; and
- (b) Issued in denominations of not less than one hundred dollars; and
- (c) Fully negotiable instruments under the laws of this state;

and

(d) Signed on behalf of the university by the president of the board, attested by the secretary of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine (~~at an effective rate not to exceed eight percent per annum over the life thereof, and no single interest or coupon rate shall exceed eight percent per annum~~);

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe (~~(but never at a price at which the net interest cost over the life thereof shall exceed eight percent per annum)~~);

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.30.700 through 28B.30.780, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the general tuition fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the Washington State University building account to the bond retirement fund when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the Washington State University building account and shall be used solely for paying the costs of the projects.

Sec. 29. Section 28B.30.760, chapter 223, Laws of 1969 ex. sess. as amended by section 103, chapter 232, Laws of 1969 ex. sess. and RCW 28B.30.760 are each amended to read as follows:

The board is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by RCW 28B.30.700 through 28B.30.780 for the issuance

of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of Washington State University or the board. ~~((The net interest cost to maturity on such refunding bonds shall not exceed eight percent per annum nor shall any single interest or coupon rate exceed eight percent per annum.))~~ The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner, at such price and at such rate or rates of interest as it deems for the best interest of the university.

Sec. 30. Section 28B.40.730, chapter 223, Laws of 1969 ex. sess. as amended by section 104, chapter 232, Laws of 1969 ex. sess. and RCW 28B.40.730 are each amended to read as follows:

For the purpose of financing the cost of any projects, each of the boards is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

- (1) Shall not constitute
 - (a) An obligation, either general or special, of the state;
- or
- (b) A general obligation of the college or of the board;
- (2) Shall be
 - (a) Either registered or in coupon form; and
 - (b) Issued in denominations of not less than one hundred dollars; and
 - (c) Fully negotiable instruments under the laws of this state;
- and
- (d) Signed on behalf of the college by the chairman of the board, attested by the secretary of the board, have the seal of the college impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chair-

man and the secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine (~~at an effective rate not to exceed eight percent per annum over the life thereof, and no single interest or coupon rate shall exceed eight percent per annum~~);

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe (~~(but never at a price at which the net interest cost over the life thereof shall exceed eight percent per annum)~~);

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.40.700 through 28B.40.790, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the general tuition fee shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and

interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the capital projects account of the college issuing the bonds to the bond retirement fund of such college when ordered by the board of trustees in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college issuing the bonds and shall be used solely for paying the costs of the projects.

Sec. 31. Section 28B.40.770, chapter 223, Laws of 1969 ex. sess. as amended by section 105, chapter 232, Laws of 1969 ex. sess. and RCW 28B.40.770 are each amended to read as follows:

Each board of trustees is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by RCW 28B.40.700 through 28B.40.790 for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the college of Washington issuing the bonds or the board thereof. ((The net-interest-cost-to-maturity-on-such-refunding-bonds-shall-not-ex-

~~ceed-eight-percent-per-annum-or-shall-any-single-interest-or-coupon~~
~~rate-exceed-eight-percent-per-annum-))~~ The board may exchange the
refunding bonds at par for the bonds which are being refunded or may
sell them in such manner, at such price and at such rate or rates of
interest as it deems for the best interest of the college.

Sec. 32. Section 19, chapter ... (HB 41), Laws of 1970 1st
ex. sess. and RCW 28B.50.350 are each amended to read as follows:

For the purpose of financing the cost of any projects, the
college board is hereby authorized to adopt the resolution or resolu-
tions and prepare all other documents necessary for the issuance,
sale and delivery of the bonds or any part thereof at such time or
times as it shall deem necessary and advisable.

Said bonds:

(1) Shall not constitute

(a) an obligation, either general or special, of the state;

or

(b) a general obligation of the college or of the college

board;

(2) Shall be

(a) either registered or in coupon form; and

(b) issued in denominations of not less than one hundred

dollars; and

(c) fully negotiable instruments under the laws of this

state; and

(d) signed on behalf of the college board with the manual or

facsimile signature of the chairman of the board, attested by the

secretary of the board, have the seal of the college board impressed

thereon or a facsimile of such seal printed or lithographed in the

bottom border thereof, and the coupons attached thereto shall be

signed with the facsimile signatures of such chairman and the secre-

tary;

(3) Shall state

(a) the date of issue; and

(b) the series of the issue and be consecutively numbered within the series; and

(c) that the bond is payable both principal and interest solely out of the bond retirement fund created for retirement thereof;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine (~~at an effective rate not to exceed eight percent per annum over the life thereof, and no single interest or coupon rate shall exceed eight percent per annum~~);

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights or prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.50.330 through 28B.50.400, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(b) A covenant that sufficient moneys may be transferred from the capital projects account of the college board issuing the bonds to the bond retirement fund of the college board when ordered by the board in the event there is ever an insufficient amount of money in

the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(c) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college board and shall be used solely for paying the costs of the projects, the costs of bond counsel and professional bond consultants incurred in issuing the bonds, and for the purposes set forth in (8) (b) above;

(9) Shall constitute a prior lien and charge against forty percent of all general tuition fees of the community colleges.

Sec. 33. Section 28B.50.390, chapter 223, Laws of 1969 ex. sess. as amended by section 107, chapter 232, Laws of 1969 ex. sess. and RCW 28B.50.390 are each amended to read as follows:

The college board is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by RCW 28B.50.330 through 28B.50.400 for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the college board. (~~The effective interest cost to maturity on such refunding bonds shall not exceed eight percent per annum nor shall any single interest or coupon rate exceed eight percent per annum.~~) The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner, at such price and at such rate or rates of interest as it deems for the best interest of the college.

Sec. 34. Section 35.41.030, chapter 7, Laws of 1965 as amended by section 15, chapter 232, Laws of 1969 ex. sess. and RCW 35.41-.030 are each amended to read as follows:

If the legislative body of a city or town deems it advisable to purchase, lease, condemn, or otherwise acquire, construct, develop, improve, extend, or operate any land, building, facility, or utility, and adopts an ordinance authorizing such purchase, lease, condemnation, acquisition, construction, development, improvement and to provide funds for defraying all or a portion of the cost thereof from the proceeds of the sale of revenue bonds, and such ordinance has been ratified by the voters of the city or town in those instances where the original acquisition, construction, or development of such facility or utility is required to be ratified by the voters, such city or town may issue revenue bonds against the special fund or funds created solely from revenues. The revenue bonds so issued shall:

- (1) Be registered or coupon bonds;
- (2) Be issued in denominations of not less than one hundred dollars nor more than one thousand dollars;
- (3) Be numbered from one upwards consecutively;
- (4) Bear the date of their issue;
- (5) Be serial or term bonds and the final maturity thereof shall not extend beyond the reasonable life expectancy of the facility or utility;
- (6) Bear interest (~~not-exceeding-the-rate-of-eight-percent-per-annum~~) at such rate or rates as authorized by the legislative body of the city or town, payable annually or semiannually with interest coupons attached unless such bonds are registered as to interest, in which case no interest coupons need be attached;
- (7) Be payable as to principal and interest at such place as may be designated therein;
- (8) State upon their face that they are payable from a special fund, naming it, and the ordinance creating it, and that they do not

constitute a general indebtedness of the city or town;

(9) Be signed by the mayor and bear the seal of the city or town and be attested by the clerk: PROVIDED, That the facsimile signatures of the mayor and clerk may be used when the ordinance authorizing the issuance of such bonds provides for the signatures thereof by an authenticating officer; and

(10) Be printed upon good bond paper.

Sec. 35. Section 35.45.020, chapter 7, Laws of 1965 as amended by section 11, chapter 258, Laws of 1969 ex. sess. and RCW 35.45-.020 are each amended to read as follows:

Local improvement bonds shall be issued pursuant to ordinance and shall be made payable on or before a date not to exceed thirty years from and after the date of issue, which latter date may be fixed by ordinance of the council, and bear (~~coupon-and-net-effective-interest-not-to-exceed-eight-percent-per-annum~~) interest at such rate or rates as authorized by the council.

Sec. 36. Section 35.45.130, chapter 7, Laws of 1965, and RCW 35.45.130 are each amended to read as follows:

Every city or *[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 (~~net-to-exceed-eight-percent-per-annum~~) or rates as authorized by ordinance 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.

Sec. 37. Section 35.45.150, chapter 7, Laws of 1965 and RCW 35.45.150 are each amended to read as follows:

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.

Sec. 38. Section 1, chapter ... (HB 37), Laws of 1970 1st ex. sess. and RCW 35.58.450 are each amended to read as follows:

Notwithstanding the limitations of chapter 39.36 RCW and any other statutory limitations otherwise applicable and limiting municipal debt, a metropolitan municipal corporation shall have the power to authorize and to issue general obligation bonds and to pledge the full faith and credit of the corporation to the payment thereof, for any authorized capital purpose of the metropolitan municipal corporation: PROVIDED, That a proposition authorizing the issuance of any such bonds to be issued in excess of one and one-half percent of the actual value of the taxable property therein as ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness shall have been submitted to the electors of the metropolitan municipal corporation at a special election and assented to by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of votes cast within the area of said metropolitan municipal corporation at the last preceding state general election. Such general obligation bonds may be authorized in any total amount in one or more propositions and the amount of such authorization may exceed the amount of bonds which could then lawfully be issued. Such bonds may be issued in one or more series from time to time out of such authorization but at no time shall the total general indebtedness of the metropolitan municipal

corporation exceed five percent of the actual value of the taxable property therein to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness. Both principal of and interest on such general obligation bonds shall be payable from annual tax levies to be made upon all the taxable property within the metropolitan municipal corporation in excess of the forty mill tax limit and may also be made payable from any other taxes or any special assessments which the metropolitan municipal corporation may be authorized to levy and from any otherwise unpledged revenue which may be derived from the ownership or operation of properties or facilities incident to the performance of the authorized function for which such bonds are issued. The metropolitan council may include in the principal amount of such bond issue an amount for engineering, architectural, planning, financial, legal, urban design and other services incident to acquisition or construction solely for authorized capital purposes and may include an amount to establish a guaranty fund for revenue bonds issued solely for capital purposes.

General obligation bonds shall bear interest at a rate (~~not to exceed eight percent per annum~~) or rates as authorized by the metropolitan council and shall mature in not to exceed forty years from the date of issue. The various annual maturities shall commence not more than five years from the date of issue of the bonds and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies.

Such bonds shall be signed by the chairman and attested by the secretary of the metropolitan council, one of which signatures may be a facsimile signature and the seal of the metropolitan corporation shall be impressed or imprinted thereon. Each of the interest coupons shall be signed by the facsimile signatures of said officials. General obligation bonds shall be sold at public sale as provided by law for sale of general obligation bonds of cities of

the first class and at a price not less than par and accrued interest.

Sec. 39. Section 2, chapter ... (HB 37), Laws of 1970 1st ex. sess. and RCW 35.58.460 are each amended to read as follows:

A metropolitan municipal corporation may issue revenue bonds to provide funds to carry out its authorized metropolitan sewage disposal, water supply, garbage disposal or transportation purposes, without submitting the matter to the voters of the metropolitan municipal corporation. The metropolitan council shall create a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the metropolitan council may obligate the metropolitan municipal corporation to pay such amounts of the gross revenue of the particular utility constructed, acquired, improved, added to, or repaired out of the proceeds of sale of such bonds, as the metropolitan council shall determine and may obligate the metropolitan municipal corporation to pay such amounts out of otherwise unpledged revenue which may be derived from the ownership, use or operation of properties or facilities owned, used or operated incident to the performance of the authorized function for which such bonds are issued or out of otherwise unpledged fees, tolls, charges, tariffs, fares, rentals, special taxes or other sources of payment lawfully authorized for such purpose, as the metropolitan council shall determine. The principal of, and interest on, such bonds shall be payable only out of such special fund or funds, and the owners and holders of such bonds shall have a lien and charge against the gross revenue of such utility or any other revenue, fees, tolls, charges, tariffs, fares, special taxes or other authorized sources pledged to the payment of such bonds.

Such revenue bonds and the interest thereon issued against such fund or funds shall be a valid claim of the holders thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the metropolitan municipal corporation.

Each such revenue bond shall state upon its face that it is payable from such special fund or funds, and all revenue bonds issued under this chapter shall be negotiable securities within the provisions of the law of this state. Such revenue bonds may be registered either as to principal only or as to principal and interest, or may be bearer bonds, shall be in such denominations as the metropolitan council shall deem proper; shall be payable at such time or times and at such places as shall be determined by the metropolitan council; shall bear interest at such rate or rates as shall be determined by the metropolitan council, shall be signed by the chairman and attested by the secretary of the metropolitan council, one of which signatures may be a facsimile signature, and the seal of the metropolitan municipal corporation shall be impressed or imprinted thereon; each of the interest coupons shall be signed by the facsimile signatures of said officials.

Such revenue bonds shall be sold in such manner, at such price and at such rate or rates of interest 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 eight percent per annum.~~)

The metropolitan council may at the time of the issuance of such revenue bonds make such covenants with the purchasers and holders of said bonds as it may deem necessary to secure and guarantee the payment of the principal thereof and the interest thereon, including but not being limited to covenants to set aside adequate reserves to secure or guarantee the payment of such principal and interest, to maintain rates sufficient to pay such principal and interest and to maintain adequate coverage over debt service, to appoint a trustee or trustees for the bondholders to safeguard the expenditure of the proceeds of sale of such bonds and to fix the powers and duties of such trustee or trustees and to make such other covenants as the metropolitan council may deem necessary to accomplish the most

advantageous sale of such bonds. The metropolitan council may also provide that revenue bonds payable out of the same source may later be issued on a parity with revenue bonds being issued and sold.

The metropolitan council may include in the principal amount of any such revenue bond issue an amount to establish necessary reserves, an amount for working capital and an amount necessary for interest during the period of construction of any such metropolitan facilities plus six months. The metropolitan council may, if it deems it to the best interest of the metropolitan municipal corporation, provide in any contract for the construction or acquisition of any metropolitan facilities or additions or improvements thereto or replacements or extensions thereof that payment therefor shall be made only in such revenue bonds at the par value thereof.

If the metropolitan municipal corporation shall fail to carry out or perform any of its obligations or covenants made in the authorization, issuance and sale of such bonds, the holder of any such bond may bring action against the metropolitan municipal corporation and compel the performance of any or all of such covenants.

Sec. 40. Section 35.58.470, chapter 7, Laws of 1965 as amended by section 18, chapter 232, Laws of 1969 ex. sess. and RCW 35.58-.470 are each amended to read as follows:

The metropolitan council may, by resolution, without submitting the matter to the voters of the metropolitan municipal corporation, provide for the issuance of funding or refunding general obligation bonds to refund any outstanding general obligation bonds or any part thereof at maturity, or before maturity if they are by their terms or by other agreement subject to prior redemption, with the right in the metropolitan council to combine various series and issues of the outstanding bonds by a single issue of funding or refunding bonds, and to issue refunding bonds to pay any redemption premium payable on the outstanding bonds being refunded. The funding or refunding general obligation bonds shall, except as specifically provided in this section, be issued in accordance with the provisions

of this chapter with respect to general obligation bonds.

The metropolitan council may, by resolution, without submitting the matter to the voters of the metropolitan municipal corporation, provide for the issuance of funding or refunding revenue bonds to refund any outstanding revenue bonds or any part thereof at maturity, or before maturity if they are by their terms or by agreement subject to prior redemption, with the right in the metropolitan council to combine various series and issues of the outstanding bonds by a single issue of refunding bonds, and to issue refunding bonds to pay any redemption premium payable on the outstanding bonds being refunded. The funding or refunding revenue bonds shall be payable only out of a special fund created out of the gross revenue of the particular utility, and shall be a valid claim only as against such special fund and the amount of the revenue of the utility pledged to the fund. The funding or refunding revenue bonds shall, except as specifically provided in this section, be issued in accordance with the provisions of this chapter with respect to revenue bonds.

~~((The net interest cost to maturity on funding or refunding bonds issued under this chapter shall not exceed eight percent per annum.~~

~~The amount of premium, if any, to be paid on the redemption of such funding or refunding bonds prior to the maturity thereof shall not be considered in determining such net interest cost.))~~ The metropolitan council may exchange the funding or refunding bonds at par for the bonds which are being funded or refunded, or it may sell them in such manner, at such price and at such rate or rates of interest as it deems for the best interest of the metropolitan municipal corporation.

Sec. 41. Section 35.61.170, chapter 7, Laws of 1965 as amended by section 19, chapter 232, Laws of 1969 ex. sess. and RCW 35.61.170 are each amended to read as follows:

Metropolitan park district bonds shall be in denominations of not less than one hundred dollars nor more than one thousand dollars.

They shall bear the date of issue, shall be made payable to the bearer, in not more than twenty years from date of issue, and bear interest at a rate (~~(not-exceeding-eight-percent-per-annum)~~) or rates as authorized by the metropolitan park district, 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.

Sec. 42. Section 35.67.080, chapter 7, Laws of 1965 as amended by section 20, chapter 232, Laws of 1969 ex. sess. and RCW 35.67-.080 are each amended to read as follows:

The bonds shall: (1) Be registered or coupon bonds, (2) be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, (3) be numbered from one upwards consecutively, (4) bear the date of their issue, (5) be serial in form finally maturing not more than thirty years from date, (6) bear interest (~~(not-exceeding-eight-percent-per-annum)~~) at the rate or rates as authorized by the legislative body of the city or town, payable annually or semiannually, with interest coupons attached, and the principal and interest shall be made payable at such place as may be designated.

Sec. 43. Section 35.67.140, chapter 7, Laws of 1965 as amended by section 71, chapter 232, Laws of 1969 ex. sess. and RCW 35.67-

.140 are each amended to read as follows:

A city may issue revenue bonds against the special fund or funds created solely from revenues. The revenue bonds so issued shall: (1) Be registered or coupon bonds, (2) be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, (3) be numbered from one upwards consecutively, (4) bear the date of their issue, (5) be serial in form finally maturing not more than thirty years from their date, (6) bear interest (~~(not exceeding the rate of eight percent per annum)~~) at the rate or rates as authorized by the legislative body of the city, payable annually or semiannually, with interest coupons attached, (7) be payable as to principal and interest at such place as may be designated therein, and (8) shall state upon their face that they are payable from a special fund, naming it and the ordinance creating it.

Sec. 44. Section 35.81.100, chapter 7, Laws of 1965 as amended by section 21, chapter 232, Laws of 1969 ex. sess. and RCW 35.81-.100 are each amended to read as follows:

(1) A municipality shall have the power to issue bonds from time to time in its discretion to finance the undertaking of any urban renewal project under this chapter, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans for urban renewal projects, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall not pledge the general credit of the municipality and shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from, or held in connection with, its undertaking and carrying out of urban renewal projects under this chapter: PROVIDED, That payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant, or contribution from the federal government or other source, in aid of any urban renewal projects of the municipality under this chapter.

(2) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and shall not be subject to the 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-eight-percent-per-annum,~~) be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(4) Such bonds may be sold at not less than ninety-eight percent of par at public or private sale, or may be exchanged for other bonds on the basis of par: PROVIDED, That such bonds may be sold to the federal government at private sale at not less than par and, in the event less than all of the authorized principal amount of such bonds is sold to the federal government, the balance may be sold at public or private sale at not less than ninety-eight percent of par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the federal government.

(5) The municipality may annually pay into a fund to be established for the benefit of such bonds any and all excess of the

taxes received by it from the same property over and above the average of the annual taxes authorized without vote for a five-year period immediately preceding the acquisition of the property by the municipality for renewal purposes, such payment to continue until such time as all bonds payable from the fund are paid in full. Any other taxing unit in a municipality is authorized to allocate a like amount of such excess taxes to the municipality or municipalities in which it is situated.

(6) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this chapter shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds, issued pursuant to this chapter shall be fully negotiable.

(7) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this chapter or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with the provisions of this chapter.

Sec. 45. Section 35.82.140, chapter 7, Laws of 1965 as amended by section 22, chapter 232, Laws of 1969 ex. sess. and RCW 35.82-.140 are each amended to read as follows:

Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates (~~(7-not-exceeding-eight-percent-per-annum)~~), be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such

rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide.

The bonds may be sold at public or private sale at not less than par.

In case any of the commissioners or officers of the authority whose signatures appear on any bond or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

In any suit, action or proceedings involving the validity or enforceability of any bond of an authority or the security therefor, any such bond reciting in substance that it has been issued by the authority to aid in financing a housing project to provide dwelling accommodations for persons of low income shall be conclusively deemed to have been issued for a housing project of such character and said project shall be conclusively deemed to have been planned, located and constructed in accordance with the purposes and provisions of this chapter.

Sec. 46. Section 35.89.020, chapter 7, Laws of 1965 as amended by section 23, chapter 232, Laws of 1969 ex. sess. and RCW 35.89-.020 are each amended to read as follows:

Water redemption bonds shall be in denominations of not more than one thousand nor less than one hundred dollars each, and shall bear interest at a rate (~~of not to exceed eight percent per annum~~) or rates as authorized by the city or town council, payable semiannually, and shall bear a serial number and shall be signed by the mayor of the city or town and shall be otherwise executed in such manner and payable at such time and place not exceeding twenty years after the date of issue as the city or town council shall determine

and such bonds shall be payable only out of the special fund created by authority of this chapter and shall be a valid claim of the holder thereof only against that fund and the fixed portion or amount of the revenues of the water system pledged to the fund, and shall not constitute an indebtedness of the city or town.

Sec. 47. Section 35.92.080, chapter 7, Laws of 1965 as last amended by section 24, chapter 232, Laws of 1969 ex. sess. and RCW 35.92.080 are each amended to read as follows:

When the voters have adopted a proposition for any public utility and have authorized a general indebtedness, general city or town bonds may be issued. The bonds shall be registered or coupon bonds; numbered from one up consecutively; bear the date of their issue; and bear interest (~~not-exceeding-eight-percent-per-year~~) at a rate or rates as authorized by the city or town council, payable semiannually, with interest coupons attached, and the principal and interest shall be made payable at such place as may be designated. Except as otherwise provided in RCW 39.44.100, the bonds and each coupon shall be signed by the mayor and attested by the clerk under the seal of the city or town.

There shall be levied each year a tax upon the taxable property of the city or town sufficient to pay the interest and principal of the bonds then due, which taxes shall become due and collectible as other taxes: PROVIDED, That it may pledge to the payment of such principal and interest the revenue of the public utility being acquired, constructed, or improved out of the proceeds of sale of such bonds. Such pledge of revenue shall constitute a binding obligation, according to its terms, to continue the collection of such revenue so long as such bonds or any of them are outstanding, and to the extent that revenues are insufficient to meet the debt service requirements on such bonds, the governing body of the municipality shall provide for the levy of taxes sufficient to meet such deficiency.

The bonds shall be printed and engraved, or lithographed, on
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good bond paper. The bonds shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town. A register shall be kept of all the bonds, which shall show the number, date, amount, interest, to whom delivered--if coupon bonds--and the name of the payee--if registered bonds; and when and where payable, and each bond issued or sold.

Sec. 48. Section 35.92.100, chapter 7, Laws of 1965 as amended by section 25, chapter 232, Laws of 1969 ex. sess. and RCW 35.92-.100 are each amended to read as follows:

When the voters of a city or town, or the corporate authorities thereof, have adopted a proposition for any public utility and either no general indebtedness has been authorized or the corporate authorities do not desire to incur a general indebtedness, and when the corporate authorities are authorized to exercise any of the powers conferred by this chapter without submitting the proposition to a vote, the corporate authorities may create a special fund for the sole purpose of defraying the cost of the public utility or addition, betterment, or extension thereto, into which special fund they may obligate and bind the city or town to set aside and pay a fixed proportion of the gross revenues of the utility, or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount without regard to any fixed proportion, and issue and sell bonds or warrants bearing interest (~~not-exceeding-eight-percent-per-year~~) at a rate or rates as authorized by the corporate authorities; payable semiannually, executed in such manner and payable at such times and places as the corporate authorities shall determine, but the bonds or warrants and the interest thereon shall be payable only out of the special fund and shall be a lien and charge against payments received from any utility local improvement district assessments pledged to secure such bonds. Such bonds shall be negotiable instruments within the meaning of the negotiable instruments law, Title 62, or Title 62A, notwithstanding same are made payable out of a particular fund contrary to the provisions of RCW 62.01.003 or

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62A.3-105.

When corporate authorities deem it necessary to construct any sewage disposal plant, it may be considered as a part of the water-works 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 re-

gard 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 any *[and] payment: PROVIDED, That whenever the corporate authorities of any city or town shall so provide by ordinance then all such bonds hereafter *[thereafter] issued shall be on a parity, without regard to date of issuance or authorization and without preference or priority of right or lien with respect to participation of special funds in amounts from gross revenues for payment thereof.

Sec. 49. Section 36.62.070, chapter 4, Laws of 1963 as amended by section 26, chapter 232, Laws of 1969 ex. sess. and RCW 36.62-.070 are each amended to read as follows:

Should a majority of all the votes cast upon the proposition be in favor of establishing the hospital, the board of county commissioners shall proceed to issue bonds of the county not to exceed the amount specified in the proposition, in denominations of not less than one hundred dollars nor more than one thousand dollars, bearing interest at a rate (~~(not to exceed eight percent per year)~~) or rates as authorized by the board of county commissioners, and payable annually or semiannually. The bonds shall be serial bonds finally maturing in twenty years from date of issuance.

Sec. 50. Section 3, chapter 142, Laws of 1965 as amended by section 27, chapter 232, Laws of 1969 ex. sess. and RCW 36.67.530 are each amended to read as follows:

When revenue bonds are issued for authorized purposes, said bonds shall be either registered as to principal only or shall be bearer bonds; shall be in such denominations, shall be numbered, shall bear such date, shall be payable at such time or times up to a maximum period of not to exceed thirty years and payable at the office of the county treasurer, and such other places as determined by the county commissioners of the county; shall bear interest payable

semiannually and evidenced to maturity by coupons attached to said bonds bearing a coupon interest rate (~~((not-to-exceed-eight-percent-per-annum))~~) or rates as authorized by the board of county commissioners; shall be executed by the chairman of the board of county commissioners, and attested by the clerk of the board, and the seal of such board shall be affixed to each bond, but not to the coupon; and may have facsimile signatures of the chairman and the clerk imprinted on the interest coupons in lieu of original signatures.

Sec. 51. Section 6, chapter 142, Laws of 1965 as amended by section 28, chapter 232, Laws of 1969 ex. sess. and RCW 36.67.560 are each amended to read as follows:

The board of county commissioners of any county may by resolution, from time to time, provide for the issuance of funding or refunding revenue bonds to fund or refund any outstanding revenue bonds and any premiums due thereon, and matured coupons evidencing interest upon any such bonds at or before the maturity of such bonds, and parts or all of various series and issues of outstanding revenue bonds and matured coupons in the amount thereof to be funded or refunded.

The board shall create a special fund for the sole purpose of paying the principal of and interest on such funding or refunding revenue bonds, into which fund the commission shall obligate and bind the county to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the revenue of the facility of the county sufficient to pay such principal and interest as the same shall become due, and if deemed necessary to maintain adequate reserves therefor.

Such funding or refunding bonds shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state, and the tax revenue of the county may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds. (~~((The-net-interest-cost-to-maturity-on-such-funding-or-refunding-bonds-shall-net-exceed-eight-percent-per-annum~~

~~and the amount of any premium to be paid to effect the redemption of outstanding revenue bonds shall not be considered in determining such net interest cost.)~~

The county may exchange such funding or refunding bonds for the bonds, and coupons being funded or refunded, or it may sell such funding or refunding bonds in the manner ~~((and))~~, at such price and at such rate or rates of interest 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. 52. Section 36.76.010, chapter 4, Laws of 1963 as amended by section 72, chapter 232, Laws of 1969 ex. sess. and RCW 36.76-.010 are each amended to read as follows:

The board of any county may, whenever a majority thereof so decides, submit to the voters of their county the question whether the board shall be authorized to issue coupon bonds in an amount not exceeding five percent of the assessed valuation of the taxable property in the county, bearing a rate ~~((of interest not exceeding eight percent per year))~~ or rates of interest as authorized by the board, and payable and redeemable at a time fixed by the board, for the purpose of making a new road or roads, or bridge or bridges, or improving established roads or bridges within the county.

Sec. 53. Section 36.76.090, chapter 4, Laws of 1963 as amended by section 29, chapter 232, Laws of 1969 ex. sess. and RCW 36.76-.090 are each amended to read as follows:

The election may be held at such times and in the manner provided for holding general elections in this state, or it may be held as a special election at such time as the board may designate. The ballots used must contain the words, "Bonds, Yes," and "Bonds, No." If three-fifths of the legal ballots cast on the question of issu-

ing bonds for the improvement contemplated in RCW 36.76.080 are in favor of bonds, the board must issue negotiable bonds in due and legal form, and negotiate them in such manner as they may deem to the best advantage of the county, at not less than par value. The bonds authorized by this section shall be issued in the name of the county, in denominations of not less than one hundred nor more than one thousand dollars; they shall be payable either (1) to some person or corporation (named therein) or the bearer, or (2) simply to the bearer, at such time as shall be stated therein, not more than twenty years after the date of issue and bear interest at a rate (~~not exceeding eight percent per year~~) or rates as authorized by the board of county commissioners, payable semiannually. They may be made payable in any city of the United States containing a national bank. They shall bear the signature of the chairman of the board, and be countersigned by the county auditor of the county with the seal of the county thereunto attached, and the interest coupons shall be signed by said chairman and said county auditor, and each bond so issued must be registered in the office of the county treasurer in a book provided for that purpose, which must show the date, number and amount of the bond, date of maturity, rate of interest, and the name and address of the person to whom issued. The county seal need not be affixed to the coupons. Each coupon must show the number of the bond to which it belongs. The bonds and coupons shall be printed, engraved or lithographed on good bond paper.

Sec. 54. Section 36.76.140, chapter 4, Laws of 1963 as amended by section 30, chapter 232, Laws of 1969 ex. sess. and RCW 36.76-.140 are each amended to read as follows:

The board of a county may, by majority vote, and by submission to the voters under the same procedure required in RCW 36.76.090 and 36.76.100, issue general obligation bonds for the purpose of contributing money, or the bonds themselves, to the Washington toll bridge authority to help finance the construction of toll bridges across topographical formations constituting boundaries between the county

and an adjoining county, or a toll bridge across topographical formation located wholly within an adjoining county, which in the discretion of the board, directly or indirectly benefits the county. Such bonds may be transferred to the Washington toll bridge authority to be sold by the authority for the purposes outlined herein. Such bonds may bear interest at a rate (~~(not-to-exceed-eight-percent-per-annum)~~) or rates as authorized by the board of county commissioners: PROVIDED, That in no event shall bonds be issued in excess of the limitations in chapter 36.67.

Sec. 55. Section 36.88.200, chapter 4, Laws of 1963 as amended by section 73, chapter 232, Laws of 1969 ex. sess. and RCW 36.88-.200 are each amended to read as follows:

Such bonds shall be numbered from one upwards consecutively, shall be in such denominations as may be provided by the board of county commissioners in the resolution authorizing their issuance, shall mature on or before a date not to exceed twenty-two years from and after their date, shall bear interest (~~(not-to-exceed-eight-percent-per-annum)~~) at such rate or rates as authorized by the board payable annually or semiannually as may be provided by the board, shall be signed by the chairman of the board and attested by the county auditor, shall have the seal of the county affixed thereto, shall be payable at the office of the county treasurer or elsewhere as may be designated by the board, shall have attached thereto interest coupons for each interest payment which said coupons shall be signed by the chairman of the board and attested by the auditor or in lieu thereof may bear the printed or engraved facsimile signatures of said officials.

Such bonds shall refer to the improvement for which they are issued and to the resolution creating the road improvement district therefor.

Sec. 56.. Section 3, chapter 4, Laws of 1917 as amended by section 74, chapter 232, Laws of 1969 ex. sess. and RCW 37.16.020 are each amended to read as follows:

Whenever the board of county commissioners of any county shall submit to the voters of such county at an election to be held under the provisions of RCW 37.16.010, the question of issuing bonds to procure money for such purposes and three-fifths of the voters of such county voting on the question have assented thereto, and the amount of such bonds, together with the already existing indebtedness will not exceed five percent of the taxable property of such county, to be ascertained as provided in RCW 37.16.010, then the board of county commissioners of such county is authorized and empowered to issue its negotiable bonds in the name of the county for the purposes for which such election was held. It being hereby declared that such purposes are purposes for which, under legislative authority, the county availing itself of the provisions of this chapter may lawfully incur indebtedness. Such bonds to be negotiable bonds of such county, payable in not more than twenty years, with interest (~~((not-exceeding-eight-percent-per-annum))~~) at such rate or rates as authorized by the board of county commissioners, payable annually.

Sec. 57. Section 4, chapter 4, Laws of 1917 as amended by section 75, chapter 232, Laws of 1969 ex. sess. and RCW 37.16.030 are each amended to read as follows:

Said bonds shall be in denominations of not less than one hundred nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer in not more than twenty years from date of issue, and bear interest at a rate (~~((not-to-exceed-eight-percent-per-annum))~~) or rates as authorized by the board of county commissioners, payable annually, with coupons attached, for each interest payment. The bonds shall be signed by the chairman of the board of county commissioners and be attested by the clerk of such board and the seal of such board shall be affixed to each bond. The coupons shall bear the lithographed signature of the chairman and clerk of the board but need not be impressed with the seal. Such bonds shall be printed, engraved or lithographed on good bond paper

and the bond shall state on its face that it is issued in compliance with the laws of the state of Washington. Such bonds shall be payable in any city containing a bank organized under the laws of the United States and may be sold by the county commissioners at not less than their par value, and their proceeds shall be applied only to the purposes for which such bonds were issued.

Sec. 58. Section 3, chapter 151, Laws of 1923 as last amended by section 93, chapter 232, Laws of 1969 ex. sess. and RCW 39.44.030 are each amended to read as follows:

Before any general obligation bonds issued by any county, city, town, school district, port district, or metropolitan park district shall be offered for sale the governing body issuing such bonds shall designate the maximum effective rate of interest said bonds shall bear, which shall not be in excess of that allowed by law. Except as provided in section ((95)) 94, chapter 232, Laws of 1969 ex. sess. and section 107 of this amendatory act when a vote of the electors shall have been taken on the question of the issuance of such bonds and the proposition submitted to the electors shall have specified the maximum effective rate of interest to be borne by said bonds, no increase of such maximum effective rate of interest shall be made by the governing body. All such bonds, including refunding bonds, shall be sold at public sale, and a notice calling for bids for the purchase of said bonds shall be published once a week for four consecutive weeks in the official newspaper of the issuer, and such other notice shall be given as the governing body may direct; or, if there be no official newspaper of the issuer, the publication shall be made in a newspaper of general circulation in the county in which the issuer is located. Such notice shall specify a place, and designate a day and hour, subsequent to the date of the last publication and at least twenty-three days subsequent to the date of the first publication thereof when sealed bids will be received and publicly opened for the purchase of said bonds. A copy of such notice shall, at least three weeks prior to the date fixed for the sale, be

mailed to the state finance committee, Olympia, Washington. The notice shall specify the maturity schedule and the maximum effective rate of interest such bonds shall bear, and shall require bidders to submit a bid specifying (1) the lowest rate or rates of interest and premium, if any, above par, at which such bidder will purchase said bonds; or (2) the lowest rate or rates of interest at which the bidder will purchase said bonds at par. The bonds shall be sold to the bidder offering to purchase the same at the lowest net interest cost to the issuer over the life thereof, subject to the right of the governing body to reject any and all bids. None of such bonds shall be sold at less than par and accrued interest, nor shall any discount or commission be allowed or paid to the purchaser or purchasers of such bonds. All bids shall be sealed and, except the bid of the state of Washington, if one is received, shall be accompanied by a good faith deposit of five percent, either in cash or by cashier's or certified check made payable to the treasurer of the issuer, of the amount of the principal par value of such bonds which shall be promptly returned if the bid is not accepted; and if the successful bidder shall fail or neglect to complete the purchase of said bonds by the time specified in the notice of sale for the delivery of said bonds, the amount of his deposit shall be forfeited to the issuer, and in that event the governing body may accept the bid of the one making the next best bid if such bidder agrees to purchase said bonds under the terms provided in his bid, or if all bids be rejected such governing body, if it decides to reoffer such bonds for sale, shall re-advertise said bonds for sale in the same manner as herein provided for the original advertisement. If there be two or more equal bids and such bids are the best bids received, the governing body shall determine by lot which bid will be accepted.

Sec. 59. Section 1, chapter 30, Laws of 1933 ex. sess. as amended by section 76, chapter 232, Laws of 1969 ex.sess. and RCW 39.48.010 are each amended to read as follows:

Bonds and securities of all kinds heretofore or hereafter au-
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thorized, issued by any issuing corporation or district (hereinafter called the "issuer" and as hereinafter specified), whether such bonds and securities be issued for such issuer itself or for any other taxing or assessment district within its limits, and whether payable in whole or in part out of and from general taxes or payable in whole or in part out of and from the earnings to be derived from any utility, system, construction, work, or works, belonging to or operated by any such issuer, or payable in whole or in part out of and from "local" or "benefit" assessments upon lands within any assessment district or assessment subdivision within any such issuer, may be sold to the United States government or to any department, corporation or agency thereof by private sale without giving any prior notice thereof by publication or otherwise and in such manner as the governing authority of such issuer may provide: PROVIDED, Only that ((no)) bonds or other securities sold at private sale under the authority of this chapter shall bear interest at a rate ~~((in-excess-of eight-percent-per-annum))~~ or rates as authorized by the issuer and that all bonds and securities sold and issued under the authority of this chapter shall be sold, if now required by existing law, at not less than par and accrued interest.

Sec. 60. Section 2, chapter 170, Laws of 1895 as amended by section 31, chapter 232, Laws of 1969 ex. sess. and RCW 39.52.020 are each amended to read as follows:

Funding bonds authorized to be issued by this chapter shall be in denominations of not less than one hundred dollars, nor more than one thousand dollars, and shall be signed by the following corporate authorities: When issued by a county, the chairman of the board of county commissioners, countersigned by the county treasurer and attested by the county auditor, who shall affix his official seal; when issued by a city or town, by its mayor, countersigned by its treasurer and attested by its clerk, who shall affix his official seal. They shall bear interest at a rate ~~((not-to-exceed-eight percent-per-annum))~~ or rates as authorized by the corporate author-

ities, payable semiannually, which interest shall be evidenced by proper coupons attached to each bond. Such corporate authorities shall, by ordinance or resolution, provide for the manner of issuing and the form of said bonds, and the time or times when the same shall be made payable; but no bonds issued under this chapter shall be issued for a longer period than twenty years, and when they shall be made payable at different periods within said twenty years, they shall be divided into series not to exceed twenty in number, but there shall be as many series as there are different times of payment, and all bonds included in each series shall be made payable at the same time. The principal and interest may be made payable at any place in the United States designated by the corporate authorities of such county, city or town. Such bonds shall not be issued to an aggregate amount in excess of the warrants or other outstanding indebtedness proposed to be funded thereby. They may be exchanged at not less than their par value for such warrants or other outstanding indebtedness, or may be sold at not less than their par value, and the proceeds used exclusively for the purpose of retiring and canceling such warrants and interest thereon or other indebtedness: PROVIDED, That nothing in this chapter contained shall be deemed to authorize the issuing of any funding bonds which, other than that proposed to be funded under the provisions of this chapter, shall exceed any constitutional limitation of indebtedness, or any indebtedness which might be incurred with the assent of three-fifths of the voters of such county, city or town voting at an election to be held for that purpose.

Sec. 61. Section 43.21.340, chapter 8, Laws of 1965 as amended by section 32, chapter 232, Laws of 1969 ex. sess. and RCW 43.21-.340 are each amended to read as follows:

All bonds issued under or by authority of RCW 43.21.250 through 43.21.410 shall be sold to the highest and best bidder after such advertising for bids as the state finance committee may deem proper. The state finance committee may reject any and all bids so

submitted and thereafter sell such bonds so advertised under such terms and conditions as the state finance committee may deem most advantageous to its own interests. (~~The--aggregate-interest-cost to-maturity-of-the-money-received-for-such-an-issue-shall-not-exceed eight-percent-per-annum--~~)

Sec. 62. Section 47.56.140, chapter 13, Laws of 1961 as last amended by section 33, chapter 232, Laws of 1969 ex. sess. and RCW 47.56.140 are each amended to read as follows:

The revenue bonds may be issued and sold by the authority from time to time and in such amounts as it deems necessary to provide sufficient funds for the construction of the bridge, and to pay interest on outstanding bonds issued for its construction during the period of actual construction and for six months after completion thereof.

The authority shall determine the form, conditions, and denominations of the bonds, and the maturity dates which the bonds to be sold shall bear and the interest rate thereon (~~(7-which-shall-not exceed-eight-percent-per-year)~~). All bonds of the same issue need not bear the same interest rate. Principal and interest of the bonds shall be payable at such place as determined by the authority, and may contain provisions for registration as to principal and*[or] interest, or both. They shall be in coupon form with interest payable at such times as determined by the authority, and shall mature at such times and in such amounts as the authority prescribes. The authority may provide for the retirement of the bonds at any time prior to maturity, and in such manner and upon payment of such premiums as it may determine in the resolution providing for the issuance of the bonds. All such bonds shall be signed by the state auditor and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state auditor. The countersignature of the governor on such bonds and the signature of the state auditor on such coupons may be their printed or lithographed facsimile signatures. Successive issues of such bonds within the limits of the

original authorization shall have equal preference with respect to the redemption thereof and the payment of interest thereon. The authority may fix different maturity dates [,] serially or otherwise, for successive issues under any one original authorization. The bonds shall be negotiable instruments under the law merchant. All bonds issued and sold hereunder shall be sold on sealed bids to the highest and best bidder after such advertising for bids as the authority deems proper. The authority may reject any and all bids and may thereafter sell the bonds at private sale under such terms and conditions as it deems most advantageous to its own interests; but not at a price below that of the best bid which was rejected. The authority may contract loans and borrow money through the sale of bonds of the same character as those herein authorized, from the United States or any agency thereof, upon such conditions and terms as may be agreed to and the bonds shall be subject to all the provisions of this chapter, except the requirement that they be first offered at public sale.

Temporary or interim bonds, certificates, or receipts, of any denomination, and with or without coupons attached, signed by the state auditor, may be issued and delivered until bonds are executed and available for delivery.

Sec. 63. Section 33, chapter 181, Laws of 1961 as amended by section 77, chapter 232, Laws of 1969 ex. sess. and RCW 47.57.550 are each amended to read as follows:

Bonds authorized by RCW 47.57.530 shall be serial in form and maturity and numbered from one upward consecutively. Only bond No. 1 of any issue shall be of a denomination other than a multiple of one hundred dollars. The proposition authorizing the issuance of the bonds shall fix the maximum rate of interest the bonds shall bear (~~(at-not-to-exceed-eight-percent-per-annum)~~), and the place and time (from date of sale) of payment of principal and interest, the bonds shall be signed by the chairman of the board of directors of the district and attested by the executive secretary. Coupons in lieu of

being signed may bear the facsimile signature of such officers.

All district bonds shall be payable within a period not to exceed twenty-three years from the date of their sale.

Sec. 64. Section 47.58.040, chapter 13, Laws of 1961 as last amended by section 78, chapter 232, Laws of 1969 ex. sess. and RCW 47.58.040 are each amended to read as follows:

For the purpose of paying the cost of all or any part of such improvement and reconstruction work and the construction of any such additional bridge, approaches thereto and connecting highways, the authority is hereby authorized by resolution to issue its revenue bonds which shall constitute obligations only of the authority and shall be payable from any funds available, except that portion of the motor vehicle fund allocated by law to the Washington state highway commission, and except revenue from the general fund, including but not limited to the revenues and income from the operation of the bridge or bridges constituting the project as may be provided in and by such resolution. Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such bond does not constitute an indebtedness of the state of Washington. Such revenue bonds may bear such date or dates, may mature at such time or times as the authority shall determine, may bear interest at such rate or rates (~~not-exceeding-eight-percent-per-annum~~), may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in such resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is nonnegotiable each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall

be signed by the member of the authority who is state auditor and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state auditor: PROVIDED, That the countersignature of the governor on such bonds and the signature of the state auditor on such coupons may be their printed or lithographed facsimile signatures. Pending the issuance of definitive bonds, temporary or interim bonds, certificates or receipts of any denomination and with or without coupons attached may be issued as may be provided by said resolution. All bonds issued under or by authority of this chapter shall be sold to the highest and best bidder at such price or prices (~~(that the net interest cost to the authority shall not be greater than eight percent per annum, computed to maturity according to standard tables of bond values)~~), at such rate or rates of interest and after such advertising for bids as the authority may deem proper: PROVIDED, That the authority may reject any and all bids so submitted and thereafter sell such bonds, so advertised under such terms and conditions as the authority may deem advantageous. The purchase price of all bonds issued hereunder shall be paid to the state treasurer consistent with the provisions of the resolution pursuant to which such bonds have been issued or to the trustee designated in the bond resolution and held as a separate trust fund to be disbursed on the orders of the authority.

Sec. 65. Section 47.60.060, chapter 13, Laws of 1961 as amended by section 34, chapter 232, Laws of 1969 ex. sess. and RCW 47.60.060 are each amended to read as follows:

For the purpose of paying the cost of acquiring by lease, charter, contract, purchase, condemnation or construction all or any part of such Puget Sound ferry system, including toll bridges, approaches and roadways incidental thereto, and for rehabilitating, rebuilding, enlarging or improving all or any part of said system, the authority is hereby authorized by resolution to issue its revenue bonds which shall constitute obligations only of the authority and shall be payable solely and only from all or such part of the

revenues from the operation of the system as may be provided in and by such resolution.

Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such bond does not constitute an indebtedness of the state of Washington.

The authority is hereby empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations and conditions as may be deemed necessary with respect to the continued use and application of the income and revenues from the undertaking.

Such revenue bonds may bear such date or dates, may mature at such time or times as the authority shall determine, may bear interest at such rate or rates (~~not-exceeding-eight-percent-per-annum~~), may be in such denomination or denominations, may be in such form [,] either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in such resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is nonnegotiable each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the member of the authority who is state auditor and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state auditor: PROVIDED, That the countersignature of the governor on such bonds and the signature of the state auditor on such coupons may be their printed or lithographed facsimile signatures.

Pending the issuance of definitive bonds, temporary or interim bonds, certificates or receipts of any denomination and with or without coupons attached may be issued as may be provided by said

resolution.

Sec. 66. Section 3, chapter 176, Laws of 1953 as last amended by section 89, chapter 232, Laws of 1969 ex. sess. and RCW 52.16.061 are each amended to read as follows:

The board of fire commissioners of the district shall have authority to contract indebtedness and to refund same for any general district purpose, including expenses of maintenance, operation and administration, and the acquisition of firefighting facilities, and evidence the same by the issuance and sale at par plus accrued interest (~~not-exceeding-eight-percent-per-annum~~) of coupon warrants of the district in such denominations, in such form and payable at such time or times not longer than six years from the issuing date of said coupon warrants; said date to be specified thereon, as the board shall determine and provide. Such coupon warrants shall be payable to bearer, shall have interest coupons attached providing for the payment of interest at such rate or rates as authorized by the board, payable semiannually on the first day of January and of July following in each year: PROVIDED, That at the option of district board the aggregate amount of coupon warrants may include a sum sufficient to pay the annual interest thereon for a period not exceeding ~~one~~ year from the issuing date of the coupon warrants and in that event such interest shall be taken from the proceeds of the sale of the coupon warrants and immediately placed in the coupon warrant fund of the district, for the payment of the interest coupons maturing during the first year of the coupon warrants. The issuance of the coupon warrants, prior to delivery thereof to the purchaser, shall be recorded in the office of the county treasurer in a book kept for that purpose. Said coupon warrants when issued shall constitute general obligations of the district. All outstanding district warrants of every kind shall outlaw and become void after six years, from the maturity date thereof where money shall be available in the proper fund of the district within that time for their payment.

Sec. 67. Section 5, chapter 24, Laws of 1951 2nd ex. sess.

as amended by section 40, chapter 232, Laws of 1969 ex. sess. and RCW 52.16.100 are each amended to read as follows:

Bonds shall be serial in form and maturity and numbered from one up consecutively. They shall bear interest at a rate (~~(of not-to-exceed-eight-percent-per-annum)~~) or rates as authorized by the board of fire commissioners, payable semiannually from date of said bonds until the principal thereof is paid with interest coupons evidencing such interest to be attached thereto. The first annual maturity shall be two years from the date of issue of said bonds and the various annual maturities shall be as nearly as practicable in such amounts as will, together with the interest on all outstanding bonds, be met by equal annual tax levies for the payment of the principal and interest of said bonds. Bonds issued under this act may not run for more than twenty years from the date of issue and except for bond No. 1, may only be in multiples of one hundred dollars.

Sec. 68. Section 45, chapter 34, Laws of 1939 as amended by section 90, chapter 232, Laws of 1969 ex. sess. and RCW 52.20.060 are each amended to read as follows:

Said district board shall also have authority, if in accordance with the adopted means of financing said local improvement district, to issue and sell at par and accrued interest (~~(not-exceeding eight-percent-annually)~~) coupon warrants payable within three years from the date thereof exclusively from the local improvement fund of the district. Such coupon warrants shall be payable with semiannual interest to bearer and shall be in such form as the board shall determine and shall state on their face that they are payable exclusively from the local improvement fund of the district and shall be registered in the county treasurer's office, as provided herein for the registry of general coupon warrants of the district. Interest coupons thereon shall be payable on the first day of January and of July.

Sec. 69. Section 3, chapter 236, Laws of 1959 as amended by

section 79, chapter 232, Laws of 1969 ex. sess. and RCW 53.34.030 are each amended to read as follows:

Whenever any port district shall determine to acquire or construct any one or more projects authorized under the provisions of this chapter, the commission of such district shall have the power and is authorized to issue negotiable revenue bonds and notes from time to time in one or more series or installments in such principal amount as, in the opinion of the commission, shall be necessary to provide sufficient money for the acquisition, construction, reconstruction, extension or improvement thereof as set forth in RCW 53.34.010, including engineering, inspection, legal and financial fees and costs, working capital, interest on such bonds and notes during construction and for a reasonable period thereafter, establishment of reserves to secure such bonds and notes and all other expenditures of such district incidental, necessary or convenient to the establishment of such projects on a sound financial basis, and to issue negotiable revenue bonds and notes for the purpose of renewing or refunding such outstanding bonds and notes in whole or in part at or prior to maturity. All such revenue bonds or notes and coupons there- to attached shall be negotiable instruments within the meaning and purposes of the negotiable instruments law and shall be sold by the commission in such manner and for such price as the commission deems for the best interests of the district: PROVIDED, That (~~the aggregate cost to maturity of the moneys received for an issue, series, or installment of such bonds or notes, exclusive of redemption premiums, shall not exceed eight percent per annum and~~) the commission may provide in any contract for the construction or acquisition of all or any part of a project or projects or for the additions or betterments thereto or extensions or improvements thereof that pay- ment therefor shall be made only in such revenue bonds or notes: PROVIDED FURTHER, That any revenue bonds issued under the authority of this act shall have a final maturity not to exceed forty years from date of issue.

Sec. 70. Section 4, chapter 236, Laws of 1959 as amended by section 80, chapter 232, Laws of 1969 ex. sess. and RCW 53.34.040 are each amended to read as follows:

Revenue bonds and notes may be issued by one or more resolutions and may be secured by trust agreement by and between the district and one or more corporate trustees, depositories, or fiscal agents, which may be any trust company or state or national bank having powers of a trust company within or without the state of Washington. Such bonds or notes shall bear such date or dates, mature at such time or times, bear interest at such rate or rates (~~not exceeding eight percent per annum~~), be in such denominations, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places within or without the state of Washington, and be subject to such terms of redemption and at such redemption premiums as such resolution, resolutions, or trust agreements may provide. No proceedings for the issuance of such bonds or notes shall be required other than those required by the provisions of this chapter, and none of the provisions of any other laws relative to the terms and conditions for the issuance, payment, redemption, registration, sale or delivery of bonds of public bodies, corporation, or political subdivisions of this state shall be applicable to bonds or notes issued by port districts pursuant to this chapter.

Sec. 71. Section 6, chapter 236, Laws of 1959 as amended by section 81, chapter 232, Laws of 1969 ex. sess. and RCW 53.34.060 are each amended to read as follows:

A district shall have power from time to time to issue bond anticipation revenue notes (herein referred to as notes), and from time to time to issue renewal notes, such notes in any case to mature not later than six years from the date of incurring the indebtedness represented thereby in an amount not exceeding in the aggregate at any time outstanding the amount of revenue bonds then or theretofore authorized but not issued. Payment of such notes shall be made from

any moneys or revenue which the district may have available for such purpose or the proceeds of the sale of revenue bonds of the district, or such notes may be exchanged for a like amount of such revenue bonds bearing the same or a lower or higher rate of interest than that borne by such notes.

All notes may be issued and sold in the same manner as revenue bonds. Any district shall have power to make contracts for the future sale from time to time of notes on terms and conditions stated in such contracts, and the district shall have power to pay such consideration as it shall deem proper for any commitments to purchase notes in the future. Such notes may also be collaterally secured by pledges and deposits with a bank or trust company, in trust for the payment of said notes, of revenue bonds in an aggregate amount at least equal to the amount of such notes and, in any event, in amount deemed by the district sufficient to provide for the payment of the notes in full at the maturity thereof. The district may provide in such collateral agreement that the notes may be exchanged for revenue bonds held as collateral security for the notes, or that the trustee may sell the revenue bonds if the notes are not otherwise paid at maturity and apply the proceeds of such sale to the payment of the notes. Such notes shall bear interest at a rate or rates (~~not-exceeding-eight-percent-per-annum-and-shall-not-be-sold-at-a-price-that-will-cause-the-interest-cost-on-the-money-received-therefrom-to exceed-eight-percent-per-annum~~) as authorized by the port commission.

Sec. 72. Section 3, chapter 218, Laws of 1941 as amended by section 82, chapter 232, Laws of 1969 ex. sess. and RCW 53.39.030 are each amended to read as follows:

All revenue bonds authorized under the terms of this chapter may be issued and sold by the port districts from time to time and in such amounts as may be deemed necessary in the judgment of the port commission, to provide sufficient funds for the construction or acquisition of any improvements, and to include in the cost of

construction, engineering, inspection, accounting, fiscal and legal expenses, the cost of issuance of bonds, including engraving, printing and advertising, and other similar expenses, and to pay interest on outstanding bonds issued for the construction of the same during the period of actual construction and for six months after the completion thereof, and the proceeds of such bond issue are hereby made available for such purposes. The port commission of the port districts shall determine the form, conditions and denominations of all such bonds, and shall determine the maturity dates which the bonds so to be sold shall bear and the interest rate thereon (~~(7-which shall-not-exceed-eight-percent-per-annum)~~). It shall not be necessary that all bonds of the same authorized issue bear the same interest rate. Principal and interest of such bonds shall be payable at such place or places as may be fixed and determined by the port commission and said bonds may contain provisions for registration thereof as to principal only, and as to both principal and interest. Said bonds shall be issued in coupon form with interest payable at such times as may be determined by the port commission and in such amounts as the said port commission may prescribe. The port commission may provide for the retirement of said bonds at any time or times prior to their maturity, and in such manner and upon payment of such premiums as may be fixed and determined by the resolution of such commission providing for the issuance of such bonds and referred to therein.

Sec. 73. Section 4, chapter 59, Laws of 1957 as last amended by section 37, chapter 232, Laws of 1969 ex. sess. and RCW 53.40.030 are each amended to read as follows:

The port commission shall determine the form, conditions, and denominations of all such bonds, the maturity date or dates which the bonds so sold shall bear, and the interest rate thereon (~~(7-which shall-not-exceed-eight-percent-per-year)~~). It shall not be necessary that all bonds of the same authorized issue bear the same interest rate. Principal and interest of the bonds shall be payable at such

place or places as may be fixed and determined by the port commission. The bonds may contain provisions for registration thereof as to principal only or as to both principal and interest. The bonds shall be issued in coupon form with interest payable at such time or times as may be determined by the port commission and in such amounts as it may prescribe. The port commission may provide for retirement of bonds issued under this chapter at any time or times prior to their maturity, and in such manner and upon the payment of such premiums as may be fixed and determined by resolution of the port commission.

Sec. 74. Section 9, chapter 122, Laws of 1949 as last amended by section 38, chapter 232, Laws of 1969 ex. sess. and RCW 53.40-.110 are each amended to read as follows:

The bonds issued pursuant to the provisions of this chapter shall bear interest at ~~((a-net-interest-cost-to-the-port-district-over-the-life-of-the-issue-at-not-to-exceed-eight-percent-per-annum-and-no-semiannual-interest-shall-be-ner-shall-any-coupon-evidencee-interest-at-a-rate-greater-than-eight-pereent))~~ such rate or rates as authorized by the port commission; shall be signed on behalf of the port district by the president of the port commission and shall be attested by the secretary of the port commission, one of which signatures may be a facsimile signature, and shall have the seal of the port district impressed thereon; each of the interest coupons attached thereto shall be signed by the .facsimile sigatures of said officials. Such bonds shall be sold in the manner and at such price as the port commission shall deem best, either at public or private sale.

The port commission may provide such covenants as it may deem necessary to secure the payment of the principal of and interest on such bonds and may but shall not be required to include covenants to create a reserve fund or account and to authorize the payment or deposit of certain moneys therein for the purpose of securing the payment of such principal and interest; to establish, maintain, and

collect tariffs, rates, charges, fees, rentals, and sales prices on facilities and services the income of which is pledged for the payment of such bonds, sufficient to pay or secure the payment of such principal and interest and to maintain an adequate coverage over annual debt service; and to make any and all other covenants not inconsistent with the provisions of this chapter which will increase the marketability of such bonds. The port commission may also provide that revenue bonds payable out of the same source or sources may later be issued on a parity with any revenue bonds being issued and sold. The provisions of this chapter and any resolution or resolutions providing for the authorization, issuance, and sale of such bonds shall constitute a contract with the holders of such bonds, and the provisions thereof shall be enforceable by any owner or holder of such bonds by mandamus or any appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction.

Sec. 75. Section 8, chapter 122, Laws of 1949 as last amended by section 39, chapter 232, Laws of 1969 ex. sess. and RCW 53.40-.130 are each amended to read as follows:

The port commission of any port district may by resolution, from time to time, provide for the issuance of funding or refunding revenue bonds to fund or refund any outstanding revenue warrants, bonds, and any premiums due thereon, and matured coupons evidencing interest upon any such bonds at or before the maturity of such warrants or bonds, and may combine various outstanding revenue warrants and parts or all of various series and issues of outstanding revenue bonds and matured coupons in the amount thereof to be funded or refunded.

The port commission shall create a special fund for the sole purpose of paying the principal of and interest on such funding or refunding revenue bonds, into which fund the commission shall obligate and bid *[bind] the port district to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the

gross revenue of the port district sufficient to pay such principal and interest as the same shall become due, and if deemed necessary to maintain adequate reserves therefor.

Such funding or refunding bonds shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state, and the tax revenue of the port district may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds. (~~The net interest cost to maturity on such funding or refunding bonds shall not exceed eight percent per annum and the amount of any premium to be paid to effect the redemption of outstanding revenue warrants or bonds shall not be considered in determining such net interest cost.~~)

The port district may exchange such funding or refunding bonds for the warrants, bonds, and coupons being funded or refunded, or it may sell such funding or refunding bonds in the manner, at such rate or rates of interest and at such price as the port commission shall deem to be for the best interest of the district and its inhabitants, either at public or private sale.

The provisions of this chapter relating to the terms, conditions, covenants, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

Sec. 76. Section 2, chapter 239, Laws of 1947 as amended by section 91, chapter 232, Laws of 1969 ex. sess. and RCW 53.44.020 are each amended to read as follows:

Such funding or refunding bonds shall bear interest (~~at a rate not in excess of eight percent per year~~) as fixed by the board after the sale of the bonds, or, in the event of the issuance thereof by exchange, prior to such exchange; and the form of the bonds and interest coupons which shall be attached thereto, their execution, and the bonds in all other respects, shall be as permitted by law and as provided by resolution of the board.

Sec. 77. Section 7, chapter 1, Laws of 1931 as amended by

section 14, chapter 232, Laws of 1969 ex. sess. and RCW 54.24.018 are each amended to read as follows:

Whenever the commission shall deem it advisable that the public utility district purchase, purchase and condemn, acquire, or construct any such public utility, or make any additions or betterments thereto, or extensions thereof, the commission shall provide therefor by resolution, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as near as may be, and specify whether general or utility indebtedness is to be incurred, the amount of such indebtedness, the amount of interest and the time in which all general bonds (if any) shall be paid, not to exceed thirty years. In the event the proposed general indebtedness to be incurred will bring the indebtedness of the public utility district to an amount exceeding one and one-half percent of the taxable property of the public utility district, the proposition of incurring such indebtedness and the proposed plan or system shall be submitted to the qualified electors of said public utility district for their assent at the next general election held in such public utility district.

Whenever the commission (or a majority of the qualified voters of such public utility district, voting at said election, when it is necessary to submit the same to said voters) shall have adopted a system or plan for any such public utility, as aforesaid, and shall have authorized indebtedness therefor by a three-fifths vote of the qualified voters of such district, voting at said election, general or public utility bonds may be used as hereinafter provided. Said general bonds shall be serial in form and maturity and numbered from one upwards consecutively. The various annual maturities shall commence not later than the tenth year after the date of issue of such bonds. The resolution authorizing the issuance of the bonds shall fix the rate or rates of interest the bonds shall bear (~~(7-said-interest-not-to-exceed-eight-percent7)~~) and the place and date of the payment of both principal and interest. The bonds shall be signed

by the president of the commission, attested by the secretary of the commission, and the seal of the public utility district shall be affixed to each bond but not to the coupon: PROVIDED, HOWEVER, That said coupon, in lieu of being so signed, may have printed thereon a facsimile of the signature of such officers. The principal and interest of such general bonds shall be paid from the revenue of such public utility district after deducting costs of maintenance, operation, and expenses of the public utility district, and any deficit in the payment of principal and interest of said general bonds shall be paid by levying each year a tax upon the taxable property within said district sufficient to pay said interest and principal of said bonds, which tax shall be due and collectible as any other tax. Said bonds shall be sold in such manner as the commission shall deem for the best interest of the district. All bonds and warrants issued under the authority of this act shall be legal securities, which may be used by any bank or trust company for deposit with the state treasurer, or any county or city treasurer, as security for deposits, in lieu of a surety bond, under any law relating to deposits of public moneys. When the commission shall not desire to incur a general indebtedness in the purchase, condemnation and purchase, acquisition, or construction of any such public utility, or addition or betterment thereto, or extension thereof, it shall have the power to create a special fund or funds for the sole purpose of defraying the cost of such public utility, or addition or betterment thereto, or extension thereof, into which special fund or funds it may obligate and bind the district to set aside and pay a fixed proportion of the gross revenues of such public utility, or any fixed amount out of, and not exceeding a fixed proportion of, such revenues, or a fixed amount without regard to any fixed proportion, and to issue and sell bonds or warrants bearing interest (~~not-exceeding-eight percent-per-annum~~) at such rate or rates, payable semiannually, executed in such manner, and payable at such times and places as the commission shall determine, but such bonds or warrants and the in-

terest thereon, shall be payable only out of such special fund or funds. In creating any such special fund or funds, the commission shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenues previously pledged as a fund for the payment of bonds or warrants, and shall not set aside into such special fund or funds a greater amount or proportion of the revenues and proceeds than, in its judgment, will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenues so previously pledged. Any such bonds or warrants, and interest thereon, issued against any such fund, as herein provided, shall be a valid claim of the holder thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state on its face that it is payable from a special fund, naming such fund and the resolution creating it. Said bonds and warrants shall be sold in such manner as the commission shall deem for the best interests of the district, and the commission may provide in any contract for the construction and acquisition of a proposed improvement or utility that payment therefor shall be made only in such bonds or warrants at the par value thereof. In all other respects, the issuance of such utility bonds or warrants and payment therefor shall be governed by the public utility laws for cities and towns.

Sec. 78. Section 4, chapter 182, Laws of 1941 as last amended by section 83, chapter 232, Laws of 1969 ex. sess. and RCW 54.24.060 are each amended to read as follows:

Such utility revenue obligations shall be sold and delivered in such manner, at such rate or rates of interest and for such price or prices and at such time or times as the commission shall deem for the best interests of the district (~~(-PROVIDED,-That-the-net-interest-rest-to-the-district-over-the-life-of-any-issue-of-revenue-obli-~~

~~gations shall not exceed eight percent per annum,--The words "life of any issue of revenue obligations" shall mean the period from the date thereof, or from the interest payment date next preceeding the delivery thereof, whichever is the later, to the respective maturity dates of the revenue obligations constituting such issue, and the words "net interest cost" shall mean the aggregate of the interest payable on all of the revenue obligations constituting such issue over the life thereof as above defined, less the amount of any premium payable by the purchaser thereof, or plus the amount of any discount if sold at less than par,--The amount of premium, if any, which might become payable upon the redemption of such revenue obligations prior to the maturity thereof shall not be considered in determining such net interest cost)).~~ The commission may, if it deem it to the best interest of the district, provide in any contract for the construction or acquisition of the public utility, or the additions or betterments thereto or extensions thereof, that payment therefor shall be made only in such revenue obligations at the par value thereof.

Sec. 79. Section 8, chapter 182, Laws of 1941 as last amended by section 84, chapter 232, Laws of 1969 ex. sess. and RCW 54.24.090 are each amended to read as follows:

Whenever any district shall have outstanding any utility revenue obligations, the commission shall have power by resolution to provide for the issuance of funding or refunding revenue obligations with which to take up and refund such outstanding revenue obligations or any part thereof at the maturity thereof or before maturity if the same be by their terms or by other agreement subject to call for prior redemption, with the right in the commission to include various series and issues of such outstanding revenue obligations in a single issue of funding or refunding revenue obligations, and to issue refunding revenue obligations to pay any redemption premium payable on the outstanding revenue obligations being funded or refunded. Such funding or refunding revenue obligations shall be payable only

out of a special fund created out of the gross revenues of such public utility, and shall only be a valid claim as against such special fund and the amount of the revenues of such utility pledged to such fund. (~~The net interest cost to the district over the life of any issue of such revenue obligations shall not exceed eight percent per annum computed as provided in RCW 54.24.060.~~) Such funding or refunding revenue obligations shall in the discretion of the commission be exchanged at par for the revenue obligations which are being funded or refunded or shall be sold in such manner, at such price and at such rate or rates of interest as the commission shall deem for the best interest of the district. Said funding or refunding [revenue] obligations shall except as specifically provided in this section, be issued in accordance with the provisions with respect to revenue obligations in this act set forth.

Sec. 80. Section 18, chapter 210, Laws of 1941 as last amended by section 85, chapter 232, Laws of 1969 ex. sess. and RCW 56.16-.040 are each amended to read as follows:

Whenever any such sewer district shall hereafter adopt a plan for a sewer system as herein provided, or any additions and betterments thereto, or whenever any reorganized sewer district shall hereafter adopt a plan for any additions or betterments thereto, and the qualified voters of any such sewer district or reorganized sewer district shall hereafter authorize a general indebtedness for all the said plan, or any part thereof, or any additions and betterments thereto or for refunding in whole or in part bonds theretofore issued, general obligation bonds for the payment thereof may be issued as hereinafter provided. The bonds shall be serial in form and maturity and numbered from one up consecutively. The bonds shall bear interest (~~not to exceed eight percent per annum~~) at such rate or rates as authorized by the board of sewer commissioners, payable semiannually from date of said bonds until principal thereof is paid, with interest coupons, evidencing such interest to maturity, attached. The various annual maturities shall commence with the second year after

the date of issue of the bonds, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds, be met by an equal annual tax levy for the payment of said bonds and interest: PROVIDED, That only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars.

Such bonds shall never be issued to run for a longer period than thirty years from the date of the issue and shall as nearly as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issue of the bonds.

The bonds shall be signed by the presiding officer of the board of sewer commissioners and shall be attested by the secretary of such board under the seal of the sewer district, and the interest coupons shall be signed by the facsimile signature of the presiding officer of the board of sewer commissioners and shall be attested by the facsimile signature of the secretary of such board.

There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy in excess of the forty mill tax limitation sufficient to meet the annual or semiannual payments of principal and interest on the said bonds maturing as herein provided upon all taxable property within such sewer district.

Said bonds shall be sold in such manner as the sewer commissioners shall deem for the best interest of the sewer district, and at a price not less than par and accrued interest.

Sec. 81. Section 19, chapter 210, Laws of 1941 as last amended by section 86, chapter 232, Laws of 1969 ex. sess. and RCW 56.16-.060 are each amended to read as follows:

When sewer revenue bonds are issued for authorized purposes, said bonds shall be either registered as to principal only or shall be bearer bonds; shall be in such denominations, shall be numbered, shall bear such date, shall be payable at such time or times up to a maximum period of not to exceed thirty years and at such place or

places one of which must be the office of the treasurer of the county in which the district is located, as determined by the board of commissioners of the district; shall bear interest at such rate or rates as authorized by the board of sewer commissioners payable semiannually and evidenced to maturity by coupons attached to said bonds (~~bearing-a-coupon-interest-rate-not-to-exceed-eight-percent per-annum~~); shall be executed by the president of the board of commissioners and attested by the secretary thereof and have the seal of the district impressed thereon; and may have facsimile signatures of the president and secretary imprinted on the interest coupons in lieu of original signatures.

Sec. 82. Section 21, chapter 210, Laws of 1941 and RCW 56.16-.080 are each amended to read as follows:

In creating any special fund or funds the sewer commissioners of such sewer district shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds, and the interest thereon, issued against any such fund as herein provided, shall be a valid claim of the holder thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such sewer district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner, at such prices and at such rate or rates of interest as the sewer commissioners shall deem for the best interests of the sewer district, either at public or private

~~sale ((and-at-any-price,-but-not-at-any-price-where-the-effective cost-of-money-to-the-sewer-district-shall-exceed-seven-percent-per annum)),~~ and the said commissioners may provide in any contract for the construction and acquirement of the proposed improvement that payment therefor shall be made in such bonds at par value thereof.

When any such special fund shall have been heretofore or shall be created and any such bonds shall have been heretofore or shall hereafter be issued against the same, a fixed proportion or a fixed amount out of and not to exceed such fixed proportion, or a fixed amount without regard to any fixed proportion, of revenue shall be set aside and paid into said special fund as provided in the resolution creating such fund. In case any sewer district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid, the holder of any bond against such special fund may bring suit or action against the sewer district and compel such setting aside and payment.

Sec. 83. Section 11, chapter 114, Laws of 1929 as last amended by section 87, chapter 232, Laws of 1969 ex. sess. and RCW 57.20.010 are each amended to read as follows:

When general district indebtedness payable from annual tax levies to be made in excess of the forty mill limitation has been authorized, the district may issue its general obligation bonds in payment thereof. The bonds shall be serial in form and maturity and numbered from one up consecutively and shall bear interest (~~not to-exceed-eight-percent-per-year~~) at such rate or rates as authorized by the board of water commissioners payable semiannually, with interest coupons attached. The various annual maturities shall commence with the second year after the date of the issue, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds, be met by an equal annual tax levy for the payment of the bonds and interest. Only the bond numbered one of any issue shall be of a denomination other than a multiple of one

hundred dollars.

Bonds shall not be issued to run for a longer period than twenty years from the date of issue and shall as nearly as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issuance of the bonds.

The bonds shall be signed by the president of the board and attested by the secretary, under the seal of the district. The interest coupons shall be signed by the facsimile signature of the president and attested by the facsimile signature of the secretary.

There shall be levied by the officers or governing body charged with the duty of levying taxes, an annual levy in excess of the forty mill tax limitation sufficient to meet the annual or semi-annual payments of principal and interest on the bonds upon all taxable property within the district.

The bonds shall be sold in such manner as the commissioners deem for the best interest of the district, and at a price not less than par and accrued interest.

Sec. 84. Section 3, chapter 128, Laws of 1939 as last amended by section 88, chapter 232, Laws of 1969 ex. sess. and RCW 57.20.020 are each amended to read as follows:

Whenever any issue or issues of water revenue bonds have been authorized in compliance with the provisions of RCW 57.16.010 through 57.16.040, said bonds shall be either registered as to principal only or shall be bearer bonds; shall be in such denominations, shall be numbered, shall bear such date, and shall be payable at such time or times up to a maximum period of not to exceed thirty years as shall be determined by the board of water commissioners of the district; shall bear interest at such rate or rates as authorized by the board payable semiannually and evidenced to maturity by coupons attached to said bonds (~~bearing-a-coupon-interest-rate-not-to-exceed-eight-percent-per-annum~~); shall be payable at the office of the county treasurer of the county in which the water district is located and may also be payable at such other place or places

as the board of water commissioners may determine; shall be executed by the president of the board of water commissioners and attested and sealed by the secretary thereof; and may have facsimile signatures of said president and secretary imprinted on the interest coupons in lieu of original signatures.

The water district commissioners shall have power and are required to create a special fund or funds for the sole purpose of paying the interest and principal of such bonds into which special fund or funds the said water district commissioners shall obligate and bind the water district to set aside and pay a fixed proportion of the gross revenues of the water supply system or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount or amounts without regard to any fixed proportion and such bonds and the interest thereof shall be payable only out of such special fund or funds, but shall be a lien and charge against all revenues and payments received from any utility local improvement district or districts pledged to secure such bonds, subject only to operating and maintenance expenses.

In creating any such special fund or funds the water district commissioners of such water district shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds and interest thereon issued against any such fund as herein provided shall be a valid claim of the holder thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such water district within the meaning of the constitutional provisions and limitations.

Each such bond or warrant shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner, at such price and at such rate or rates of interest as the water district commissioners shall deem for the best interests of the water district, either at public or private sale (~~((and-at-any-price, but-not-at-any-price-where-the-effective-cost-of-money-to-the-water-district-shall exceed-eight-percent-per-annum))~~), and the said commissioners may provide in any contract for the construction and acquirement of the proposed improvement (and for the refunding of outstanding local improvement district obligations, if any) that payment therefor shall be made in such bonds at par value thereof.

When any such special fund shall have been heretofore or shall be hereafter created and any such bonds shall have been heretofore or shall hereafter be issued against the same a fixed proportion or a fixed amount out of and not to exceed such fixed proportion [,] or a fixed amount or amounts without regard to any fixed proportion [,] of revenue shall be set aside and paid into said special fund as provided in the resolution creating such fund [,] and in case any water district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid[,], the holder of any bond against such special fund may bring suit or action against the water district and compel such setting aside and payment.

The water district commissioners of any water district, in the event that such water revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of water supply to those receiving such service, such rates and charges to be fixed as deemed necessary by such water district commissioners[,], so that uniform charges will be made for the same class of customer or service in*[,In] classifying customers served or service furnished by such water supply system[,], the board of water commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the

various customers within and without the district; the difference in cost of maintenance [,] operation, repair and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished [;] the time of its use; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates shall be made on a monthly basis as may be deemed proper by such commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements and all other charges necessary for efficient and proper operation of the system.

Sec. 85. Section 6, chapter 264, Laws of 1945 as last amended by section 1, chapter 65, Laws of 1969 ex. sess. and RCW 70.44.060 are each amended to read as follows:

All public hospital districts organized under the provisions of this chapter shall have power:

(1) To make a survey of existing hospital facilities within and without such district.

(2) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, hospital facilities and systems for the maintenance of hospitals, buildings, structures and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: PROVIDED, That no public hospital

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district shall have the right of eminent domain and the power of condemnation against any hospital clinic or sanatorium operated as a charitable, nonprofit establishment or against a hospital clinic or sanatorium operated by a religious group or organization: AND PROVIDED, FURTHER, That no hospital district organized and existing in districts having more than twenty-five thousand population have any of the rights herein enumerated without the prior written consent of all existing hospital facilities within the boundaries of such hospital district.

(3) To lease existing hospital and equipment and/or other property used in connection therewith, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital service for residents of said district in hospitals located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations or individuals for the services provided by said hospital district; and they may further receive in said hospital and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available facilities of said hospitals, at rates set by the district commissioners.

(4) For the purpose aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance, and operation of any such hospital.

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the

hospitals thereof, and to issue bonds therefor, bearing interest at a rate or rates as authorized by the commission, (~~not-exceeding eight-percent-per-annum,~~) payable semiannually, said bonds not to be sold for less than par and accrued interest; and to assign or sell hospital accounts receivable for collection with or without recourse.

(6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed three mills or such further amount as has been or shall be authorized by a vote of the people: PROVIDED FURTHER, That the public hospital districts are hereby authorized to levy such a general tax in excess of said three mills when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and the laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies commonly known as the forty mill tax limitation. The said board of district commissioners is hereby authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition to levy a tax in excess of the three mills herein specifically authorized. The commissioner shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in October the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected

by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate (~~not to exceed six percent per annum~~) or rates as authorized by the commission.

(7) To enter into any contract with the United States government or any state, municipality or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this chapter.

(8) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the public hospital district shall be brought in the county in which the public hospital district is located.

(9) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature and to do all other things necessary to carry out the provisions of this chapter.

Sec. 86. Section 13, chapter 264, Laws of 1945 as amended by section 3, chapter 65, Laws of 1969 ex. sess. and RCW 70.44.120 are each amended to read as follows:

All bonds shall be serial in form and maturity and numbered from one upwards consecutively. The various annual maturities shall commence not later than the tenth year after the date of issue of such bonds. The resolution authorizing the issuance of the bonds

shall fix the rate of interest the bonds shall bear (~~(7-said-interest not-to-exceed-ten-percent)~~) and the place and dates of the payment of both principal and interest. The bonds shall be signed by the president of the commission, attested by the secretary of the commission, and the seal of the public hospital district shall be affixed to each bond but not to the coupons: PROVIDED, HOWEVER, That said coupons, in lieu of being so signed, may have printed thereon a facsimile of the signatures of such officers.

Sec. 87. Section 30, chapter 117, Laws of 1895 as amended by section 43, chapter 232, Laws of 1969 ex. sess. and RCW 85.05.300 are each amended to read as follows:

Said bonds shall be numbered from one upwards, consecutively, and be in denominations of not less than one hundred dollars nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer in not more than ten years nor less than five years from the date of their issue, and bear interest at a rate (~~(not-exceeding-eight-percent-per-annum)~~) or rates as authorized by the commissioners of the diking district payable annually, with coupons attached for each interest payment. The bonds and each coupon shall be signed by the chairman of the board of diking commissioners, and shall be attested by the secretary of said board, and the seal of such district shall be affixed to each bond, but not to the coupons.

Sec. 88. Section 1, chapter 156, Laws of 1913 as amended by section 50, chapter 232, Laws of 1969 ex. sess. and RCW 85.05.480 are each amended to read as follows:

Whenever by reason of any extraordinary occurrence or other casualty there occur such changes in conditions as to warrant, in the opinion of the commissioners of any diking district, an estimate for making repairs and improvements, including the yearly maintenance expense in an amount equal to twenty-five percent of the estimated cost of the original improvements, as provided for in RCW 85.05.090 the funds therefor may be provided by the issuance of bonds of said

diking district, payable in not to exceed ten years, and to pay the same, such commissioners shall make a levy extending over such period of time and in such amount as shall be necessary to take care of such bonds and interest, and such levy when made shall state the year for which it is made and the amount thereof, and thereafter, the county auditor shall each year extend such levy without any further orders from said commissioners: PROVIDED, HOWEVER, That if for any cause whatsoever, said levy shall not be sufficient to take care of said bonds and interest or pay said fixed estimate a further levy shall be made for that purpose. Said bonds shall be sold at not less than par and shall bear interest (~~not to exceed eight percent per annum~~) at such rate or rates as authorized by the commissioners of the diking district, and the proceeds thereof shall be used in such repairs, improvements or maintenance or warrants issued in payment therefor and for no other purpose: PROVIDED, HOWEVER, That such bonds shall only be issued when they are presented to and filed with such commissioners and shall become a part of their record, a petition of property owners owning at least sixty percent of all the acreage in such district requesting the issuance of such bonds.

Sec. 89. Section 27, chapter 115, Laws of 1895 as amended by section 51, chapter 232, Laws of 1969 ex. sess. and RCW 85.06.270 are each amended to read as follows:

Said bonds shall be numbered from one upwards, consecutively, and be in denominations of not less than one hundred dollars nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer in not more than ten years nor less than five years from the date of their issue, and bear interest at a rate (~~not exceeding eight percent per annum~~) or rates as authorized by the commissioners of the drainage district [,] payable annually, with coupons attached for each interest payment. The bonds and each coupon shall be signed by the chairman of the board of drainage commissioners, and shall be attested by the secretary of said board, and the seal of such district shall be affixed to each

bond, but not to the coupons..

Sec. 90. Section 1, part, chapter 174, Laws of 1927 as amended by section 52, chapter 232, Laws of 1969 ex. sess. and RCW 85.06.321 are each amended to read as follows:

If any default shall have occurred in the payment of interest or principal of bonds of a drainage district and the board of drainage commissioners finds that any considerable number of owners of assessed lands are not and will not be able to pay assessments sufficient to meet without further default the principal of bonds still outstanding, the district, with the assent of the holders of all outstanding bonds not yet callable for payment, may issue refunding bonds pursuant to the plan prescribed in RCW 85.06.321 through 85.06.329, and use the proceeds, together with money derived from assessments, to pay the outstanding bonds. The maturity date of refunding bonds shall be either twelve or seventeen years from their date, as the board shall determine, but they may be paid before maturity as hereinafter provided. Bonds shall be numbered consecutively from one up, be in denominations of one hundred, five hundred or one thousand dollars, be dated the first day of the month in which they are issued, be payable to bearer, draw interest evidenced by coupons payable semiannually at ~~((not more than eight percent per annum))~~ such rate or rates as authorized by the board of drainage commissioners, and be executed in the name and under the seal of the district by the president and the secretary of the board. Interest shall be payable on the first days of January and July of each year except that the first interest payment date shall be July first of the year following that in which the bonds were issued.

Sec. 91. Section 2, chapter 103, Laws of 1935 as amended by section 53, chapter 232, Laws of 1969 ex. sess. and RCW 85.07.070 are each amended to read as follows:

Said bonds shall be numbered consecutively from one upwards and shall be in denominations of not less than one hundred dollars nor more than one thousand dollars each. They shall bear the date

of issue, shall be made payable to the bearer in not more than ten years from the date of their issue, and shall bear interest at a rate (~~(not-exceeding-eight-percent-per-annum)~~) or rates as authorized by the board of commissioners, payable annually, with coupons attached for each interest payment. The bonds and each coupon shall be signed by the chairman of the board of commissioners of each district and shall be attested by the secretary of said board. The seal, if any, of such district shall be affixed to each bond, but it need not be affixed to the coupon.

Sec. 92. Section 13, chapter 26, Laws of 1949 as amended by section 54, chapter 232, Laws of 1969 ex. sess. and RCW 85.16.180 are each amended to read as follows:

The board shall thereupon enter an order authorizing the contemplated extraordinary maintenance work to be done and authorizing the issuance of temporary construction warrants to pay the cost of said work as it progresses, which warrants may bear interest at such rate of interest as the board shall determine (~~(but-not-in-excess-of-eight-percent-per-annum)~~). Bonds or warrants to pay the costs of such extraordinary maintenance may be issued and sold at one time or from time to time and in such series and amounts as may be found practicable and as determined by the board.

Sec. 93. Section 194, chapter 72, Laws of 1937 as amended by section 44, chapter 232, Laws of 1969 ex. sess. and RCW 86.09.580 are each amended to read as follows:

Said bonds shall bear the date of their issue, shall be made payable to bearer with interest at a rate (~~(not-exceeding-eight-percent-per-annum)~~) or rates as authorized by the district board, payable semiannually on the first day of January and of July in each year until paid and with coupons attached, for each interest payment.

Sec. 94. Section 200, chapter 72, Laws of 1937 as amended by section 45, chapter 232, Laws of 1969 ex. sess. and RCW 86.09.598 are each amended to read as follows:

Said bonds shall be numbered consecutively, shall mature in series amortized in a definite schedule during a period not to exceed twenty years from the date of their issuance, shall be in such denominations and form and shall be payable, with annual or semi-annual interest (~~(not-exceeding-eight-percent)~~) at such rate or rates and at such place as the state director shall provide.

Sec. 95. Section 15, page 679, Laws of 1889-90 as last amended by section 46, chapter 232, Laws of 1969 ex. sess. and RCW 87.03.200 are each amended to read as follows:

At such election shall be submitted to the electors of said district possessing the qualifications prescribed by law the question of whether or not the bonds of said district in the amount and of the maturities determined by the board of directors shall be issued. Bonds issued under the provisions of this act shall be serial bonds payable in legal currency of the United States in such series and amounts as shall be determined and declared by the board of directors in the resolution calling the election: PROVIDED, That the first series shall mature not later than ten years and the last series not later than forty years from the date thereof: PROVIDED FURTHER, That bonds [,] authorized by a special election held in the district under the provisions of a former statute, which has subsequent to said authorization been amended, but not issued prior to the amendment of said former statute, may be issued in the form provided in said former statute, and any such bonds heretofore or hereafter so issued and sold are hereby confirmed and validated.

Notice of such bond election must be given by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least two weeks (three times). Such notices must specify the time of holding the election, and the amount and maturities of bonds proposed to be issued; and said election must be held and the results thereof determined and declared in all respects as nearly as practicable in conformity with the

provisions of law governing the election of the district officers: PROVIDED, That no informality in conducting such election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds Yes" and "Bonds No," or words equivalent thereto. If a majority of the votes cast are cast "Bonds Yes," the board of directors shall thereupon have authority to cause bonds in said amount and maturities to be issued. If the majority of the votes cast at any bond election are "Bonds No," the result of such election shall be so declared and entered of record; but if contract is made or is to be made with the United States as in RCW 87.03.140 provided, and bonds are not to be deposited with the United States in connection with such contract, the question submitted at such special election shall be whether contract shall be entered into with the United States. The notice of election shall state under the terms of what act or acts of congress contract is proposed to be made, and the maximum amount of money payable to the United States for construction purposes exclusive of penalties and interest. The ballots for such election shall contain the words "Contract with the United States Yes" and "Contract with the United States No," or words equivalent thereto. And whenever thereafter said board *[board], in its judgment, deems it for the best interest of the district that the question of issuance of bonds for said amount, or any amount, or the question of entering into a contract with the United States, shall be submitted to said electors, it shall so declare, by resolution recorded in its minutes, and may thereupon submit such question to said electors in the same manner and with like effect as at such previous election. All bonds issued under this act shall bear interest at such rate (~~not exceeding eight percent per annum~~) or rates as the board of directors may determine, payable semiannually on the first day of January and of July of each year. The principal and interest shall be payable at the office of the county treasurer of the county in which the office of the board of directors is situated, or if the board of

directors shall so determine at the fiscal agency of the state of Washington in New York City, said place of payment to be designated in the bond. Said bonds shall be each of the denomination of not less than one hundred nor more than one thousand dollars; shall be negotiable in form, signed by the president and secretary, and the seal of the district shall be affixed thereto. The county treasurer shall register said bonds before the issuance thereof in a book kept for that purpose, and shall certify on each thereof under his seal that it has been so registered, and that the signatures thereon are the genuine signatures of the president and secretary respectively and that the seal attached is the seal of the district. Whenever the electors shall vote to authorize the issuance of bonds of the district such authorization shall nullify and cancel all unsold bonds previously authorized, and if the question is submitted to and carried by the electors at the bond election, any bond issue may be exchanged in whole or in part, at par, for any or all of a valid outstanding bond issue of the district when mutually agreeable to the owner or owners thereof and the district, and the amount of said last bond issue in excess, if any, of that required for exchange purposes, may be sold as in the case of an original issue. The bonds of any issue authorized to be exchanged in whole or in part for outstanding bonds shall state on their face the amount of such issue so exchanged, and shall contain a certificate of the treasurer of the district as to the amount of the bonds exchanged, and that said outstanding bonds have been surrendered and canceled: PROVIDED.

FURTHER, That where bonds have been authorized and unsold, the board of directors may submit to the qualified voters of the district the question of canceling said previous authorization, which question shall be submitted upon the same notice and under the same regulations as govern the submission of the original question of authorizing a bond issue. At such election the ballots shall contain the words "Cancellation Yes," and "Cancellation No," or words equivalent thereto. If at such election a majority of the votes shall be

"Cancellation Yes," the said issue shall be thereby canceled and no bonds may be issued thereunder. If the majority of said ballots shall be "Cancellation No," said original authorization shall continue in force with like effect as though said cancellation election had not been held: PROVIDED, That bonds deposited with the United States in payment or in pledge may call for the payment of such interest (~~(not-exceeding-eight-percent-per-annum)~~) at such rate or rates, may be of such denominations, and call for the repayment of the principal at such times as may be agreed upon between the board and the secretary of the interior.

Each issue shall be numbered consecutively as issued, and the bonds of each issue shall be numbered consecutively and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the president of the board and the secretary. The signatures of the president and secretary may, however, appear by lithographic facsimile. Said bonds shall express upon their face that they were issued by authority of this act, stating its title and date of approval, and shall also state the number of issue of which such bonds are a part. The secretary shall keep a record of bonds sold, their number, the date of sale, the price received and the name of the purchaser. In case the money received by the sale of all bonds issued be insufficient for the completion of plans of the canals and works adopted, and additional bonds be not voted, or a contract calling for additional payment to the United States be not authorized and made, as the case may be, it shall be the duty of the board of directors to provide for the completion of said plans by levy of assessments therefor. It shall be lawful for any irrigation districts which have heretofore issued and sold bonds under the law then in force, to issue in place thereof an amount of bonds not in excess of such previous issue, and to sell the same, or any part thereof, as hereinafter provided, or exchange the same, or any part thereof, with the holders of such previously issued bonds which may be outstanding, upon such terms as may be agreed

upon between the board of directors of the district and the holders of such outstanding bonds: PROVIDED, That the question of such re-issue of bonds shall have been previously voted upon favorably by the legally qualified electors of such district, in the same manner as required for the issue of original bonds, and the said board shall not exchange any such bonds for a less amount in par value of the bonds received; all of such old issue in place of which new bonds are issued shall be destroyed whenever lawfully in possession of said board. Bonds issued under the provisions of this section may, when so authorized by the electors, include a sum sufficient to pay the interest thereon for a period not exceeding the first four years. Whenever an issue of bonds shall have been authorized pursuant to law, and any of the earlier series shall have been sold, and the later series, or a portion thereof, remain unsold, the directors may sell such later series pursuant to law, or such portion thereof as shall be necessary to pay the earlier series, or said directors may exchange said later series for the earlier series at not less than the par value thereof, said sale or exchange to be made not more than six months before the maturity of said earlier series and upon said exchange being made the maturing bonds shall be disposed of as hereinbefore provided in the case of bonds authorized to be exchanged in whole or in part for outstanding bonds.

Sec. 96. Section 3, chapter 161, Laws of 1923 as amended by section 55, chapter 232, Laws of 1969 ex. sess. and RCW 87.19.030 are each amended to read as follow:

Said bonds shall be issued in series and in denominations of not less than one hundred dollars nor more than one thousand dollars. The first series shall mature not later than ten years and the last series not later than forty years. Each series shall be numbered from one, up consecutively, shall bear the date of their issue, and shall bear interest at any rate (~~not-exceeding-eight-percent-per annum~~) or rates as authorized by the board of directors of said district, payable semiannually on the first day of January and July

of each year, with interest coupons attached and the principal and interest shall be made payable at the office of the county treasurer of the county in which the office of the board of directors is situated, or at any fiscal agency of the state of Washington. Said bonds shall be negotiable in form and the bonds and interest coupons shall be signed by the president and secretary of the board of directors of said district and the seal of said district, affixed. The signatures of the president and secretary may, however, appear by lithographic facsimile.

Sec. 97. Section 20, chapter 120, Laws of 1929 as last amended by section 56, chapter 232, Laws of 1969 ex. sess. and RCW 87.22.150 are each amended to read as follows:

Said refunding bonds shall be issued in such denominations as the board shall determine, but in the same denominations so far as practicable as the bonds to be refunded and shall mature at the date specified in the notice of election but not in any event later than thirty years from the date thereof, and shall be payable in minimum annual installments specified on a percentage basis and amortized to provide for full payment of the bonds with interest at maturity: PROVIDED, That in lieu of the annual payments of principal and semi-annual payments of interest as provided in this chapter, the court may prescribe the form, manner of payment, and interest rate (~~not exceeding-eight-percent-per-annum~~) or rates of the refunding bonds, in the decree determining maximum benefits and irrigable acreage; and said decree may grant the district the right to pay at the date of any annual or semiannual payment, one or more next accruing annual or semiannual installments less the interest on that part of the principal thus paid in advance: AND PROVIDED, In all cases in which the court determines the form, manner of payment, and interest rate of the refunding bonds in the decree determining maximum benefits, all notices provided in this chapter and any other provision thereof, shall be given and construed in conformity with the terms and conditions of said bond prescribed in said decree.

Sec. 98. Section 21, chapter 120, Laws of 1929 as amended by section 57, chapter 232, Laws of 1969 ex. sess. and RCW 97.22.160 *[87.22.160] are each amended to read as follows:

All unpaid installments on account of the principal of said refunding bonds shall bear interest from the date of the bonds at a rate (~~(not-exceeding-eight-percent-per-annum-until-paid)~~) or rates as authorized by the board of directors of the district. Different installments of the principal of said bonds may bear different rates of interest (~~(not-exceeding-eight-percent-per-annum-in-any-case)~~) if it is so provided in the bond plan. Interest shall be payable semiannually on the first day of January and July of each year.

Sec. 99. Section 2, chapter 57, Laws of 1949 as amended by section 58, chapter 232, Laws of 1969 ex. sess. and RCW 87.28.020 are each amended to read as follows:

Said bonds shall be in such form as the board of directors shall determine and shall be payable to bearer, shall be in denominations of not less than one hundred dollars nor more than one thousand dollars, shall be numbered from one and up consecutively; shall bear the date of their issue, shall be payable serially up to a maximum period of not to exceed twenty years; shall bear interest at a rate (~~(not-to-exceed-eight-percent-per-annum)~~) or rates as authorized by the board of directors payable semiannually on January 1st and July 1st of each year, evidenced by coupons attached to said bonds; shall be payable at the office of the county treasurer of the county in which the principal office of the district is located or at such other place as the board of directors shall provide and specify in the bonds; shall be executed by the president of the board of directors and attested and sealed by the secretary thereof and may have facsimile signatures of the president and secretary imprinted on the interest coupons in lieu of original signatures. Said bonds may provide that the same or any part thereof at the option of the board of directors may be redeemed in advance of maturity on any interest payment date.

Sec. 100. Section 6, chapter 57, Laws of 1949 as amended by section 59, chapter 232, Laws of 1969 ex. sess. and RCW 87.28.070 are each amended to read as follows:

Such revenue bonds shall be sold in such manner as the board of directors shall deem for the best interests of the irrigation district, either at public or at private sale and at any price (~~but not-at-a-price-where-the-cost-of-the-money-to-the-district-shall exceed-eight-percent-per-annum~~) and at any rate or rates of interest, but if the board of directors shall dispose of said bonds in exchange for construction of improvements or for materials, such bonds shall not be disposed of for less than par for value received by the district.

Sec. 101. Section 10, chapter 236, Laws of 1907 as amended by section 60, chapter 232, Laws of 1969 ex. sess. and RCW 88.32.140 are each amended to read as follows:

In all cases, the county, as the agent of the local improvement district, shall, by resolution of its board of county commissioners, cause to be issued in the name of the county, the bonds for such local improvement district for the whole estimated cost of such improvement, less such amounts as shall have been paid within the thirty days provided for redemption, as hereinabove specified. Such bonds shall be called "Local Improvement Bonds, District No.[,] County of, State of Washington", and shall be payable not more than ten years after date, and shall be subject to annual call by the county treasurer, in such manner and amounts as he may have cash on hand to pay the same in the respective local improvement fund from which such bonds are payable, interest to be paid at the office of the county treasurer. Such bonds shall be issued and delivered to the contractor for the work from month to month in such amounts as the engineer of the government, in charge of the improvement, shall certify to be due on account of work performed, or, if said board of county commissioners resolve so to do, such bonds may be offered for sale after thirty days public notice

thereof given, to be delivered to the highest bidder therefor, but in no case shall such bonds be sold for less than par, the proceeds to be applied in payment for such improvement: PROVIDED, That unless the contractor for the work shall agree to take such bonds in payment for his work at par, such work shall not be begun until the bonds shall have been sold and the proceeds shall have been paid into a fund to be called "Local Improvement Fund No., County of", and the holder or holders of such bonds shall look only to such fund for the payment of either the principal or interest of such bonds.

Such bonds shall be issued in denominations of one hundred dollars each, and shall be substantially in the following form:

"Local Improvement Bond, District Number of the County of....., State of Washington.

No. N.B. \$.....

This bond is not a general debt of the county of and has not been authorized by the voters of said county as a part of its general indebtedness. It is issued in pursuance of an act of the legislature of the state of Washington, passed theday of A.D. 1907, and is a charge against the fund herein specified and its issuance and sale is authorized by the resolution of the board of county commissioners, passed on the..... day of..... A.D. 1907. The county of....., a municipal corporation of the state of Washington, hereby promises to pay to....., or bearer, one hundred dollars, lawful money of the United States of America, out of the fund established by resolution of the board of county commissioners on the day of, A.D. 19....., and known as local improvement fund district numberof..... county, and not otherwise.

"This bond is payable ten years after date, and is subject to annual call by the county treasurer at the expiration of any year before maturity in such manner and amounts as he may have cash on

hand to pay the same in the said fund from which the same is payable, and shall bear interest at the rate of ((eight)) percent per annum, payable semiannually; both principal and interest payable at the office of the county treasurer. A coupon is hereto attached for each installment of interest to accrue thereon, and said interest shall be paid only on presentation and surrender of such coupon to the county treasurer, but in case this bond is called for payment before maturity each and every coupon representing interest not accrued at the expiration of the call shall be void. The board of county commissioners of said county, as the agent of said local improvement district No., established by resolution No., has caused this bond to be issued in the name of said county, as the bond of said local improvement district, the proceeds thereof to be applied in part payment of so much of the cost of the improvement of the rivers, lakes, canals or harbors of county, under resolution No., as is to be borne by the owners of property in said local improvement district, and the said local improvement fund, district No. of county, has been established by resolution for said purpose; and the holder or holders of this bond shall look only to said fund for the payment of either the principal or interest of this bond.

"The call for the payment of this bond or any bond, issued on account of said improvement, may be made by the county treasurer by publishing the same in an official newspaper of the county for ten consecutive issues, beginning not more than twenty days before the expiration of any year from date hereof, and if such call be made, interest on this bond shall cease at the date named in such call.

"This bond is one of a series ofbonds, aggregating in all the principal sum ofdollars, issued for said local improvement district, all of which bonds are subject to the same terms and conditions as herein expressed.

"In witness whereof the said county ofhas
[535]

caused these presents to be signed by its chairman of its board of county commissioners, and countersigned by its county auditor and sealed with its corporate seal, attested by its county clerk, thisday of....., in the year of our Lord one thousand nine hundred and

The County of.....
By.....
Chairman Board of County Commissioners.

Countersigned, County Auditor.

Attest,Clerk."

There shall be attached to each bond such number of coupons, not exceeding twenty, as shall be required to represent the interest thereon, payable semiannually, for the term of said bonds, which coupon shall be substantially in the following form:

"Number..... \$......

On theday of.....A. D. 19...., the county of, Washington, promises to pay to the bearer at the office of its county treasurer dollars, being one-half year's interest due that day on Bond No. of the bonds of 'local improvement district No.,' the same being payable only from the fund of said district known as 'Local Improvement Fund, District No.of county,' and not otherwise: PROVIDED, That this coupon is subject to all the terms and conditions contained in the bond to which it is annexed, and if said bond be called for payment before maturity hereof, then this coupon shall be void.

.....

County Auditor."

Sec. 102. Section 140, chapter 254, Laws of 1927 as amended by section 61, chapter 232, Laws of 1969 ex. sess. and RCW 89.30.418 are each amended to read as follows:

Said bonds shall bear the date of their issue, shall be made payable to bearer with interest at a rate (~~not-exceeding-eight~~

~~percent-per-annum~~) or rates as authorized by the reclamation district board, payable semiannually on the first day of January and of July in each year, with coupons attached, for each interest payment.

Sec. 103. Section 174, chapter 254, Laws of 1927 as amended by section 62, chapter 232, Laws of 1969 ex. sess. and RCW 89.30.520 are each amended to read as follows:

Bonds issued under the provisions of this chapter shall be negotiable, serial bonds, in such series, maturities and denominations as the board shall determine, payable in legal currency of the United States, at such place as the board shall provide, from funds derived from the levy and collection of special assessments against the benefited lands within the operation of the general improvement or divisional district and shall draw interest at a rate (~~not to exceed eight-percent-per-annum~~) or rates as the board shall authorize.

Sec. 104. Section 35, chapter 8, Laws of 1909 as last amended by section 47, chapter 232, Laws of 1969 ex. sess. and RCW 91.04.490 are each amended to read as follows:

Said bonds shall be numbered from one upwards, consecutively, and be in denominations of not less than one hundred dollars, nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer in not more than ten years nor less than five years from the date of their issue, and bear interest at a rate (~~not exceeding eight-percent-per-annum~~) or rates as authorized by the board of waterway commissioners, payable semiannually, with coupons attached for each interest payment. The bonds and each coupon shall be signed by the chairman of the board of waterway commissioners, and shall be attested by the secretary of the board, and the seal of such district shall be affixed to each bond, but not to the coupons: PROVIDED, HOWEVER, That said coupons in lieu of being so signed may have printed thereon a facsimile of the signatures of such officers.

Sec. 105. Section 46, chapter 23, Laws of 1911 as amended by section 48, chapter 232, Laws of 1969 ex. sess. and RCW 91.08.480

are each amended to read as follows:

Such bonds shall be issued pursuant to an order made by the board and by their terms shall be made payable on or before a date not to exceed ten years from and after the date of their issue, which latter date shall also be fixed by such order. They shall bear interest at the rate ~~((of-eight-percent-per-annum))~~ or rates as authorized by the board, which interest shall be payable semiannually at periods named; shall have attached thereto interest coupons for each interest payment; shall be of such denomination as shall be provided in the order directing the issue, but not less than one hundred dollars nor more than one thousand dollars; shall be numbered from one upward consecutively and each bond shall be signed by the president of the board and attested by its clerk: PROVIDED, HOWEVER, That said coupons may, in lieu of being so signed, have printed thereon facsimile signatures of said officers. Each bond shall in the body thereof refer to the improvement to pay for which the same is issued; shall provide that the principal sum therein named and the interest thereon shall be payable out of the fund created for the payment of the cost and expense of said improvement, and not otherwise; and shall not be issued in an amount which, together with the assessments already paid, will exceed the cost and expense of the said condemnation and improvement.

Sec. 106. Section 4, chapter 80, Laws of 1899 and RCW 39.56-.020 are each amended to read as follows:

All county, city, town and school warrants, and all warrants or other evidences of indebtedness, drawn upon or payable from any public funds, shall bear interest at a rate ~~((not-greater-than-eight-percent-per-annum;-unless-a-less-rate-be-specified-therein))~~ or rates as authorized by the issuing authority.

NEW SECTION. Sec. 107. Sections 1 and 2, chapter 151, Laws of 1965 ex. sess. and RCW 79.24.610 and 79.24.612 are each repealed.

NEW SECTION. Sec. 108. Notwithstanding any other provision of this 1970 amendatory act, sections 7 through 21 hereof shall be

effective only until chapter 223, Laws of 1969 ex. sess. shall take effect, upon which date sections 7 through 21 hereof shall become void and of no effect and sections 22 through 33 of this act shall become effective.

NEW SECTION. Sec. 109. 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 shall take effect immediately.

Passed the Senate February 11, 1970
Passed the House February 11, 1970
Approved by the Governor February 23, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 57
[Substitute Senate Bill No. 161]
NURSING HOME ADMINISTRATORS--LICENSING

AN ACT Providing for the licensing of the administrators of nursing homes and similar facilities; creating a board of examiners for licensing of nursing home administrators; establishing standards; prescribing penalties; providing an effective date; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. This 1970 act shall be known as the "Nursing Home Administrator Licensing Act" and is intended to establish and provide for the enforcement of standards for the licensing of nursing home administrators.

NEW SECTION. Sec. 2. When used in this 1970 act, unless the context otherwise clearly requires:

(1) "Board" means the state board of examiners for the licensing of nursing home administrators representative of the professions and institutions concerned with the care of the chronically ill and infirm aged patients.

(2) "Director" means the director of the department of motor vehicles.

(3) "Nursing home" means any institution, facility, building, place, or agency, or portion thereof, in which there is provided

v } care and treatment for persons requiring primarily convalescent, or
long term nursing care and to which persons may be admitted for an
overnight stay or longer; and also means any facility or portion
thereof licensed under state law as a nursing home.

(4) "Nursing home administrator" means an individual in active administrative charge of nursing homes as defined herein, whether or not having an ownership interest in such homes, and although functions and duties may be shared with or delegated to other persons: PROVIDED HOWEVER, That nothing in this definition or this 1970 act shall be construed to prevent any person, so long as he is otherwise qualified, from obtaining and maintaining a license even though he has not administered or does not continue to administer a nursing home.

NEW SECTION. Sec. 3. On or after July 1, 1970 nursing homes operating within this state must be under the active, overall administrative charge and supervision of an administrator licensed as provided in this 1970 act. An administrator may delegate functions and duties to other persons. No person acting in any capacity, unless he is the holder of a nursing home administrator's license issued under this 1970 act, shall be charged with the overall responsibility to make decisions or direct actions involved in managing the internal operation of a nursing home.

NEW SECTION. Sec. 4. A state board of examiners for nursing home administrators is hereby created. Six of the board's nine members shall be privately or self-employed persons who the governor finds have had at least four years of actual experience in the administration or overall management of licensed nursing homes in this state immediately prior to the governor's appointment of them to the board. Three members of the board shall be representatives from the medical professions, or health care administration education, or persons with four years actual experience in the administration of the nursing home unit of a licensed hospital immediately preceding the governor's appointment of them to the board; and shall be privately

or self-employed persons, or persons employed by educational institutions, whom the governor appoints because of their special knowledge or expertise in the field of long term care or the care of the aged and chronically ill. Board members selected who meet any of the preceding qualifications may in addition be nurses, physicians or other persons with special health care training. The governor shall consult with and seek the recommendations of the appropriate state-wide business and professional organizations and societies primarily concerned with long term health care facilities in the course of considering his appointments to the board.

NEW SECTION. Sec. 5. Members of the board shall be citizens of the United States and residents of this state. Except for the initial appointments to the first board, all administrator members of the board shall be holders of licenses under this 1970 act. Three members of the board shall be appointed initially for terms of three years, three members shall be appointed for terms of two years, and three members shall be appointed for terms of one year. Thereafter the terms of all members shall be three years. Members of the board may be removed by the governor for cause after appropriate notice and hearing.

NEW SECTION. Sec. 6. The board shall elect from its membership a chairman, vice chairman, and secretary-treasurer, and shall adopt rules and regulations to govern its proceedings. The chairman or four board members by signed written request may call board meetings upon reasonable written notice to each member. Each member shall receive twenty-five dollars per diem for each day or major portion thereof actually spent on official business, plus travel expenses as provided in RCW 43.03.060. A full time or part time executive secretary for the board may be employed by the director through the department of motor vehicles, and the director through the department of motor vehicles shall provide the executive secretary and the board with such secretarial, administrative, and other assistance as may be required to carry out the purposes of this 1970 act. Employment of an

executive secretary shall be subject to confirmation by the board. The position of executive secretary shall be exempt from the requirements of chapter 41.06 RCW.

NEW SECTION. Sec. 7. Upon the director's receipt of a fifty dollar application and examination fee, and completed application forms provided by the director, a nursing home administrator's license shall be issued to any person who:

- (1) Is at least twenty-one years of age and of good moral character.
- (2) Has satisfactorily completed a course of instruction and training concerning nursing home or health facility administration approved by the board, or has presented upon his affidavit evidence satisfactory to the board of at least two years of practical experience in the field of institutional administration which, regardless of formal training or instruction, is in the opinion of the board equivalent to two years of experience in the operation of a nursing home.
- (3) Has passed an examination administered by the board which shall be designed to test the candidate's competence to administer a nursing home on the basis of the candidate's formal instruction and training or actual experience: PROVIDED HOWEVER, Nothing in this 1970 act or the rules and regulations thereunder shall be construed to require an applicant for a license or provisional license as a nursing home administrator who is certified by any well established and generally recognized church or religious denomination which teaches reliance on spiritual means alone for healing as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teachings, to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided in such institutions: PROVIDED FURTHER, That any such individual shall demonstrate in the process of application for the examina-

tion his membership in such church or religious denomination and his license shall indicate the limited extent of his authority to act as an administrator.

(4) The initial administrator members of the board shall be selected and appointed by the governor to meet the requirements of subsection (1) of this section and of sections 4 and 5 of this 1970 act. The three nonadministrator members of the first board shall administer to the initial administrator members an appropriate examination, and the initial administrator members shall thereafter be issued their licenses under this act as nursing home administrators. The three nonadministrator members of the first board may exercise the powers of the board to carry out licensing of the initial administrator members, regardless of the normal quorum or procedural requirements for board action. The licensing of the initial administrator members of the first board shall be carried out within thirty days after appointment of the board, and in all events prior to April 1, 1970.

NEW SECTION. Sec. 8. (1) Upon the directors' receipt of a one hundred dollar annual fee, a provisional license may be issued to any individual applying therefor who has served, as shown by such individual's affidavit, as a nursing home administrator during all of the calendar year immediately preceding July 1, 1970 and meets the standards of section 7(1) of this 1970 act. Any such provisional license shall terminate after two years or at midnight, June 30, 1972, whichever is earlier. If prior to the expiration of such provisional license, the provisional licensee has qualified to take and has passed the examination required by the board, a nursing home administrator's license shall be issued to him.

(2) If a provisional license is issued to any individual, there shall be provided in this state during all of the period for which such provisional license remains in effect a program of training and instruction designed to enable all provisional licensed nursing home administrators to attain the qualifications necessary

to be fully licensed as a nursing home administrator as provided under this 1970 act. The single state agency administering the program of this state under Title XIX of the Federal Social Security Act shall apply for, receive, and administer such federal funds as are made available to carry out the educational programs contemplated by this section.

NEW SECTION. Sec. 9. The director shall have the administrative duty and responsibility to:

(1) Issue nursing home administrator's licenses to individuals who meet the licensing requirements of sections 7 and 8 of this 1970 act;

(2) Advise and assist the executive secretary or board as may be required in the investigation of complaints against nursing home administrators, and upon order of the board and after notice and hearing before the board, revoke, suspend for not more than thirty days, or refuse to reregister the license of any holder or applicant who fails to meet the licensing requirements of this 1970 act.

NEW SECTION. Sec. 10. The board with the assistance of the director for administrative matters shall have the duty and responsibility within the limits provided in this 1970 act:

(1) To develop standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators as provided in this 1970 act.

(2) To develop appropriate techniques, including examinations and investigations to the extent necessary to determine whether an individual meets such standards for licensing.

(3) To order the director to issue licenses to individuals determined by the board, after the application of such techniques,

to meet such standards, and after notice and hearing to order the director to revoke, suspend or refuse to reregister licenses previously issued in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards for licensing.

(4) To investigate, and take appropriate action with respect to, any charge or complaint filed with the board or director to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of the standards for licensing.

(5) To conduct a continuing study and investigation of the licensing of administrators of nursing homes within the state with a view to the improvement of the standards imposed for the licensing of new administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who are to be licensed.

(6) To encourage qualified educational institutions and other qualified organizations to establish, provide, and conduct and continue such training and instruction courses and programs as will enable all otherwise qualified individuals to attain the qualifications necessary to meet the standards for licensing nursing home administrators.

(7) To establish and carry out procedures, if required, designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements and standards for licensing set forth in this 1970 act.

(8) To establish appropriate procedures for the issuance in unusual circumstances and without examination of temporary license permits as nursing home administrators. Such permits may be issued and renewed by the director pursuant to rules and regulations which shall be established by the board. Such permits and renewals shall be subject to confirmation or rescission by order of the board upon

review at the next board meeting. Any such permit or renewal thereof shall in all events expire six months from the date issued. No more than three consecutive permits shall be issued to any one person. Persons receiving such permits need not have passed the required examination but shall meet the other requirements of this 1970 act, except section 7(2) of this 1970 act. After hearing before the board and upon order of the board the director may revoke or suspend any such permit for the reasons provided in this 1970 act for suspension or revocation of administrator licenses.

V- (9) To advise and direct the relevant state agencies regarding receipt and administration of such federal funds as are made available to carry out the educational purposes of this 1970 act.

(10) To advise the director regarding the application forms used by the director under this 1970 act.

(11) To direct the granting of provisional licenses as provided in this 1970 act.

(12) To issue rules and regulations which are necessary to carry out the functions of the board specifically assigned to it by this 1970 act.

NEW SECTION. Sec. 11. (1) Every holder of a nursing home administrator's license shall reregister it annually with the director on dates specified by the director by making application for reregistration on forms provided by the director. Such reregistration shall be granted automatically upon receipt of a one hundred dollar fee. In the event that any license is not reregistered within thirty days after the date for reregistration specified by the director, the director shall, in accordance with rules prescribed by the board, give notice to the license holder, and may thereafter in accordance with rules prescribed by the board charge up to double the normal reregistration fee. In the event that the license of an individual is not reregistered within three years from the most recent date for reregistration it shall lapse and such individual must again apply for licensing and meet all requirements of this 1970 act for a new applicant. The board may prescribe rules for maintenance of a license at

a reduced fee for temporary or permanent withdrawal or retirement from the active practice of nursing home administration.

(2) A condition of reregistration shall be the presentation of proof by the applicant that he has attended the number of classroom hours of approved educational programs, classes, seminars or proceedings set by the board. The board shall have the power to approve programs, classes, seminars or proceedings offered in this state or elsewhere by any accredited institution of higher learning or any national or local group or society if such programs, classes, seminars or proceedings are reasonably related to the administration of nursing homes. The board shall establish rules and regulations providing that the applicant for reregistration may present such proofs yearly, or may obtain the cumulative number of required hours over a three year period and present such proofs over periods of three years. In no event shall the number of classroom hours required for any time period exceed the number of such board approved classroom hours reasonably available over such time period on an adult or continuing education basis to nonmatriculating participants in this state.

(3) An individual may obtain and reregister a license under this 1970 act although he does not actively engage in nursing home administration.

NEW SECTION. Sec. 12. The director, after notice and hearing before the board and upon the order of the board shall refuse to reregister or shall suspend or revoke an administrator's license as provided in this 1970 act:

(1) In the event the licensee or applicant has committed any fraud or material misrepresentation or concealment in obtaining or applying for the license.

(2) In the event the licensee or applicant has been convicted of a crime involving moral turpitude.

(3) If the license was obtained due to the mistake or inadvertence of the board or director.

(4) In the event the licensee has wilfully or repeatedly violated any of the provisions of this 1970 act or of the rules promulgated by the board in accordance with this 1970 act.

(5) In the event the licensee has been declared mentally incompetent by a court of competent jurisdiction.

Persons whose licenses have been revoked, or to whom re-registration has been refused, may, on subsequent application be licensed, relicensed, or reregistered, according to such rules or regulations as may be prescribed by the board and according to standards prescribed by the board. Suspended licenses are automatically in force at the expiration of thirty days from the date of suspension, but must be reregistered in the normal course if they expire during the period of suspension.

NEW SECTION. Sec. 13. Upon receipt of a fifty dollar application fee and an annual license fee, the director may issue home administrator's license, without examination, to any person who hold a current license as a nursing home administrator from another jurisdiction: PROVIDED, That the board finds that the standards for licensing in such other jurisdiction are at least the substantial equivalent of those prevailing in this state, and that the applicant is otherwise qualified. In the event that there is developed a nationally recognized standard for the licensing of nursing home administrators which is in fact utilized in licensing procedures on a reasonably uniform basis the board may by rule or regulation provide for granting reciprocal licensing on a showing of compliance with such standard.

NEW SECTION. Sec. 14. It shall be unlawful and constitute a gross misdemeanor for any person to act or serve in the capacity of a nursing home administrator unless he is the holder of a nursing home administrator's license issued in accordance with the provisions of this 1970 act: PROVIDED HOWEVER, That persons carrying out functions and duties delegated by a licensed administrator shall not be construed to be committing any unlawful act under this 1970 act.

NEW SECTION. Sec. 15. All proceedings under this 1970 act of the director and board for rule making, for the hearings required by this 1970 act, for contested cases and for appeals shall be conducted in conformity with the administrative procedure act. All hearings specified under this 1970 act are mandatory. Complaints regarding any licensed administrator shall be considered only if submitted to the board in writing and verified under oath and if they indicate a possible violation of the provisions of this 1970 act. In any such case, the complaint will be fully disclosed to the affected administrator and will be investigated to determine whether any board action should be initiated by a licensed administrator who is not a member of the board, and who is appointed by the board, and the report of such investigation shall be fully disclosed immediately to the licensed administrator in question. Hearings may be conducted by the board, by a committee of the board the majority of which shall be administrator members, a hearing officer engaged by the board who shall be a licensed administrator, or by a hearing examiner of the state.

NEW SECTION. Sec. 16. Information received by the director or board through investigations, complaints, studies or other proceedings or procedures authorized under this 1970 act shall not be disclosed to any public or private person or agency in any manner identifying individuals or nursing homes, except that licensees under this 1970 act may have access to any records relating to them, and there may be such public disclosure as is necessary during the course of a proceeding directly involving the licensing of a specific individual under this 1970 act. At the close of such hearing, except as may be necessary for carrying out appeal procedures, the files of the board, director and department shall remain confidential.

NEW SECTION. Sec. 17. On or before March 15, 1970 the governor shall establish the first board which shall immediately meet for organizational purposes and shall thereafter meet as often as may be necessary to carry out the duties of the board under this 1970

act. The first examinations shall be administered and regular and provisional licenses shall be issued under this 1970 act prior to July 1, 1970. Thereafter examinations shall be administered at intervals not less than semiannually and at such times and places as may be determined by the board. There shall not be a limit upon the number of times a candidate may take the required examination.

NEW SECTION. Sec. 18. There is hereby appropriated to the department of motor vehicles from the general fund of the state of Washington the amount of forty thousand dollars for the remainder of the current 1969-1971 biennium to be utilized to the extent required for the initial administration of this 1970 act.

NEW SECTION. Sec. 19. All fees or revenue collected in accordance with the provisions of this act shall be deposited in the state general fund.

NEW SECTION. Sec. 20. If any provision of this 1970 act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

NEW SECTION. Sec. 21. This 1970 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 10, 1970

Passed the House February 5, 1970

Approved by the Governor February 23, 1970, with the exception of items in section 2, section 10 and section 15, and all of section 16, which are vetoed.

Filed in Office of Secretary of State February 24, 1970

NOTE: Governor's explanation of partial veto is as follows:

"...This bill enacts the nursing home administrator licensing act and is intended to establish and provide for the enforcement of standards for the licensing of nursing home administrators. While the objectives of this bill are desirable, there are certain items in the bill which I have determined should be vetoed.

Section 2(3) defines "nursing home" broadly to include any facility providing care and treatment for persons requiring primarily convalescent or long-term nursing care and to which persons may be admitted for an overnight stay or longer; and it is further defined to include any facility licensed under state law as a nursing home. At the present time the statutory definition for nursing homes excludes facilities providing care for less than three patients and also excludes hospitals. I have concluded that the definition of nursing home as used in this bill for purposes of licensing nursing home administrators should conform with the definition now found in state law for the licensing of nursing homes. I have accordingly vetoed that item in section 2(3) which broadens the definition of nursing home beyond that now found in state law.

Section 10 describes the duties and responsibilities of the state board of examiners for nursing home administrators created by the act. Subsection (9) of section 10 provides that the board will advise and direct the relevant state agencies regarding receipt and administration of such federal funds as are made available to carry out the educational purposes of the act. Because it is at this time not certain what state agencies will receive federal funds, I have concluded it is not desirable to allow the board of examiners to be able to direct other state agencies as to how such funds shall be used. Accordingly, I have vetoed that item in subsection (9) which authorizes the board to direct how such federal funds shall be used by the relevant state agencies.

Section 15 of the bill describes the procedures whereby complaints regarding any nursing home administrators shall be considered by the board. That section provides that such complaints will be investigated by a licensed administrator who is not a member of the board but who shall be appointed by the board. This is a restriction which may not in every case be desirable. It may, for example, be preferable to use an experienced state investigator who can be provided by the professional licensing division of the Department of Motor Vehicles. Accordingly, I have vetoed that item in section 15 which limits such investigations to licensed administrators appointed by the board in order to allow greater flexibility in this area.

Section 16 provides that information received as a result of investigations and proceedings authorized by the act shall not be disclosed to any public or private person or agency in any manner identifying individuals or nursing homes except that there may be such public disclosure as is necessary during the course of a proceeding directly involving the licensing of a specific individual under the act. The section further provides that at the close of a hear-

ing, except as may be necessary for carrying out appeal procedures, the files of the board, director and department shall remain confidential.

Section 16 will tend to foreclose the public from obtaining information which may well be in the public interest. The procedures which have been developed by the professional licensing division of the Department of Motor Vehicles would appear to provide ample protection where confidentiality is required while at the same time providing the opportunity for public disclosure when this is in the public interest. I have therefore vetoed section 16 of the bill which will allow the hearing procedures for nursing home administrators to be handled in the same manner as other comparable licensing boards within the jurisdiction of the Department of Motor Vehicles.

With the exception of the items and section 16 as described above, the remainder of the bill is approved."

CHAPTER 58
[Senate Bill No. 191]
COUNTY COMMISSIONER DISTRICTS

AN ACT Relating to counties; and amending section 36.32.020, chapter 4, Laws of 1963 and RCW 36.32.020.

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

Section 1. Section 36.32.020, chapter 4, Laws of 1963 and RCW 36.32.020 are each amended to read as follows:

The board of county commissioners of each county shall divide their county into three commissioner districts so that each district shall comprise as nearly as possible one-third of the population of the county: PROVIDED, That the territory comprised in any voting precincts of such districts shall remain compact, and shall not be divided by the lines of said districts: PROVIDED FURTHER, That the foregoing requirement of equal population among commissioner districts may be disregarded, at the discretion of the county commissioners, in the following instances:

(1) The commissioners of any county composed entirely of islands may divide their county into three commissioner districts without regard to population, except that if any single island is included in more than one district, the districts on such island shall

comprise, as nearly as possible, equal populations;

(2) The commissioners of any county having a population of fifteen thousand inhabitants or less, in which no totally intracounty highway connection exists between the county seat and a major geographic area of the county, may disregard population in the formation of commissioner districts to the extent that one commissioner district encompassing the unconnected portion of the county may be established without regard to its population.

The lines of the districts shall not be changed oftener than once in four years and only when a full board of commissioners is present. The districts shall be designated as districts numbered one, two and three.

Passed the Senate January 30, 1970

Passed the House February 10, 1970

Approved by the Governor February 20, 1970

Filed in Office of Secretary of State February 24, 1970

CHAPTER 59
[Engrossed Senate Bill No. 206]
COMMUNITY COLLEGES

AN ACT Relating to community colleges; amending section 7, chapter ... (HB 41), Laws of 1970 ex. sess. and RCW 28.85.350; amending section 19, chapter ... (HB 41), Laws of 1970 ex. sess. and RCW 28B.50.350; amending section 32, chapter 8, Laws of 1967 ex. sess. as amended by section 1, chapter 238, Laws of 1969 ex. sess. and RCW 28.85.320; amending section 28B.50.320, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 238, Laws of 1969 ex. sess. and RCW 28B.50.320; amending section 31, chapter 8, Laws of 1967 ex. sess. as amended by section 11, chapter 261, Laws of 1969 ex. sess. and RCW 28.85.310 amending section 29, chapter 261, Laws of 1969 ex. sess. and RCW 28B.15.520; adding new sections to chapters 28.85 and 28B.15 RCW; declaring an emergency; and providing for effective dates and the expiration of certain sections hereof.

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

Section 1. Section 7, chapter ... (HB 41), Laws of 1970 ex.

sess. and RCW 28.85.350 are each amended to read as follows:

For the purpose of financing the cost of any projects, the college board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) an obligation, either general or special, of the state; or

(b) a general obligation of the college or of the college board;

(2) Shall be

(a) either registered or in coupon form; and

(b) issued in denominations of not less than one hundred dollars; and

(c) fully negotiable instruments under the laws of this state; and

(d) signed on behalf of the college board with the manual or facsimile signature of the chairman of the board, attested by the secretary of the board, have the seal of the college board impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;

(3) Shall state

(a) the date of issue; and

(b) the series of the issue and be consecutively numbered within the series; and

(c) that the bond is payable both principal and interest solely out of the bond retirement fund created for retirement thereof;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed eight percent per annum over the life thereof,

and no single interest or coupon rate shall exceed eight percent per annum;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28.85.330 through 28.85.400, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(b) A covenant that sufficient moneys may be transferred from the capital projects account of the college board issuing the bonds to the bond retirement fund of the college board when ordered by the board in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(c) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college board and shall be used solely for paying the costs of the projects, the costs of bond counsel and

professional bond consultants incurred in issuing the bonds, and for the purposes set forth in (8)(b) above;

(9) Shall constitute a prior lien and charge against ~~((feety))~~ sixty percent of all general tuition fees of the community colleges.

Sec. 2. Section 19, chapter ... (HB 41), Laws of 1970 ex.sess. and RCW 28B.50.350 are each amended to read as follows:

For the purpose of financing the cost of any projects, the college board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable.

Said bonds:

(1) Shall not constitute

(a) an obligation, either general or special, of the state; or

(b) a general obligation of the college or of the college board;

(2) Shall be

(a) either registered or in coupon form; and

(b) issued in denominations of not less than one hundred dollars; and

(c) fully negotiable instruments under the laws of this state; and

(d) signed on behalf of the college board with the manual or facsimile signature of the chairman of the board, attested by the secretary of the board, have the seal of the college board impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;

(3) Shall state

(a) the date of issue; and

(b) the series of the issue and be consecutively numbered

within the series; and

(c) that the bond is payable both principal and interest solely out of the bond retirement fund created for retirement thereof;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed eight percent per annum over the life thereof, and no single interest or coupon rate shall exceed eight percent per annum;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.50.330 through 28B.50.400, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(b) A covenant that sufficient moneys may be transferred from the capital projects account of the college board issuing the bonds to the bond retirement fund of the college board when ordered by the board in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(c) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college board and shall be used solely for paying the costs of the projects, the costs of bond counsel and professional bond consultants incurred in issuing the bonds, and for the purposes set forth in (8) (b) above;

(9) Shall constitute a prior lien and charge against ~~((forty))~~ sixty percent of all general tuition fees of the community colleges.

Sec. 3. Section 32, chapter 8, Laws of 1967 ex. sess. as amended by section 1, chapter 238, Laws of 1969 ex. sess. and RCW 28.85.320 are each amended to read as follows:

Forty percent of all general tuition fees, all incidental fees, and all other income which the trustees are authorized to impose shall be deposited as the trustees may direct. Such sums of money shall be subject to the budgetary and audit provisions of law applicable to state agencies. The depository selected by the trustees shall conform to the collateral requirements required for deposit of other state funds.

Disbursement shall be made by check signed by the president of the community college or his designee appointed in writing, and such other person as may be designated by the board of trustees of the community college district. Each person authorized to sign as provided above, shall execute a surety bond ~~((in-the-sum-of-not-less-than-the-average-amount-on-deposit-in-the-fund-during-the-preceeding-six-months,-or-ten-thousand-dollars,-whichever-is-greater))~~ as provided in RCW 43.17.100. Said bond or bonds shall be filed in the ~~((state-auditor's))~~ office of the secretary of state.

Sec. 4. Section 28B.50.320, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 238, Laws of 1969 ex. sess. and RCW 28B.50.320 are each amended to read as follows:

Forty percent of all general tuition fees, all incidental fees, and all other income which the trustees are authorized to impose shall be deposited as the trustees may direct. Such sums of money shall be subject to the budgetary and audit provisions of law applicable to state agencies. The depository selected by the trustees shall conform to the collateral requirements required for deposit of other state funds.

Disbursement shall be made by check signed by the president of the community college or his designee appointed in writing, and such other person as may be designated by the board of trustees of the community college district. Each person authorized to sign as provided above, shall execute a surety bond (~~(in the sum of not less than the average amount on deposit in the fund during the preceding six months, or ten thousand dollars, whichever is greater)~~) as provided in RCW 43.17.100. Said bond or bonds shall be filed in the ~~((state auditor's))~~ office of the secretary of state.

Sec. 5. Section 31, chapter 8, Laws of 1967 ex. sess. as amended by section 11, chapter 261, Laws of 1969 ex. sess. and RCW 28.85.310 are each amended to read as follows:

The board of trustees of each community college district shall charge to and collect from each of the students registered therein such general tuition, incidental fees and other fees for quarters other than summer session as follows:

(1) Resident students:

- (a) general tuition fees, fifty dollars per quarter; and
- (b) incidental fees not more than twenty dollars per quarter.

(2) Nonresident students:

- (a) general tuition fees, one hundred fifty dollars per quarter; and
 - (b) incidental fees, not more than twenty dollars per quarter.
- (3) Tuition and incidental fees consistent with the above schedules will be fixed by the state board for community colleges for summer school students.

(4) The board of trustees shall charge such fees for part time students, ungraded courses, noncredit courses, and short courses as it, in its discretion, may determine, not inconsistent with the rules and regulations of the state board for community college education.

Notwithstanding any other provision of this chapter or chapter 28B.15 RCW as now or hereafter amended the college board shall be authorized to permit the boards of trustees of the various community colleges to waive general tuition fees, incidental fees, and any other fees for needy students who are enrolled in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate.

The term "resident students" as used in this section shall mean students who have been domiciled in this state at least one year prior to the commencement of the quarter for which he registers, federal employees and military personnel, the children and spouses of federal employees and military personnel residing within the state, and staff members of the community college and their children and spouses. The term "nonresident students" shall mean all students other than resident students.

The term "general tuition fees" as used in this section shall mean the general tuition fee charged students registered at the community college for quarters other than summer session, which fees shall be used as prescribed in RCW 28.85.320, 28.85.360 and 28.85.370. The term "incidental fees" as used in this section shall include the fees other than general tuition fees, charged all students registering at the college for quarters other than summer sessions but shall not include fees for correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, laboratory, gymnasium, health fees, or fee charges, rentals and other income derived from any or all revenue-producing lands, buildings and facilities of the colleges heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms,

dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon or such other special fees as may be established by the board of trustees from time to time.

NEW SECTION. Sec. 6. There is added to chapter 28.85 RCW a new section to read as follows:

For the purpose of RCW 28.85.310, "needy student" shall mean a student who demonstrates to the board of trustees the financial inability, either through his parents, family and/or personally, to meet the total cost of general tuition fees, incidental fees, and any other fees or any portion of such total for any quarter or semester.

NEW SECTION. Sec. 7. There is added to chapter 28.85 RCW a new section to read as follows:

The state board for community college education shall establish the criteria for the determination of financial need which shall be the basis for the determination by a board of trustees or their designee that a particular applicant is a "needy student". In establishing the criteria the state board shall consider the following:

- (1) (a) Assets and income of the student; and/or
- (b) Assets and income of the parents, or other individuals legally responsible for the care and maintenance of the student;
- (2) The cost of attending the community college the student is enrolled in;
- (3) (a) The cost of requirements for the student and the dependent members of his family; and/or
- (b) The cost of requirements for the parents, or other individuals legally responsible for the care and maintenance of the student.

The total of the general tuition fees, incidental fees, and any other fees waived for any quarter or semester shall not exceed the sum of subsections (2) and (3) less subsection (1).

Sec. 8. Section 29, chapter 261, Laws of 1969 ex. sess. and RCW 28B.15.520 are each amended to read as follows:

Notwithstanding any other provision of this chapter or chapter 28B.50 RCW as now or hereafter amended the college board shall be authorized to permit the boards of trustees of the various community colleges to waive general tuition fees, incidental fees, and any other fees for needy students who are enrolled in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate.

NEW SECTION. Sec. 9. There is added to chapter 28B.15 RCW a new section to read as follows:

For the purpose of RCW 28B.15.520, "needy student" shall mean a student who demonstrates to the board of trustees the financial inability, either through his parents, family and/or personally, to meet the total cost of general tuition fees, incidental fees, and any other fees or any portion of such total for any quarter or semester.

NEW SECTION. Sec. 10. There is added to chapter 28B.15 RCW a new section to read as follows:

The state board for community college education shall establish the criteria for the determination of financial need which shall be the basis for the determination by a board of trustees or their designee that a particular applicant is a "needy student". In establishing the criteria the state board shall consider the following:

- (1) (a) Assets and income of the student; and/or
- (b) Assets and income of the parents, or other individuals legally responsible for the care and maintenance of the student;
- (2) The cost of attending the community college the student is enrolled in;
- (3) (a) The cost of requirements for the student and the dependent members of his family; and/or
- (b) The cost of requirements for the parents, or other individuals legally responsible for the care and maintenance of the student.

The total of the general tuition fees, incidental fees, and

any other fees waived for any quarter or semester shall not exceed the sum of subsections (2) and (3) less subsection (1).

NEW SECTION. Sec. 11. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 13. Notwithstanding any other provision of this 1970 amendatory act, sections 1, 3, 5, 6, and 7 shall be effective only until the effective date of chapter 223, Laws of 1969 ex. sess., at which time sections 1, 3, 5, 6, and 7 shall become null and void and sections 2, 4, 8, 9 and 10 shall become effective.

Passed the Senate February 11, 1970
Passed the House February 10, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 60
[Engrossed Senate Bill No. 261]
PUBLIC ASSISTANCE--
MEDICAL ASSISTANCE--INDIGENT PRISONERS

AN ACT Relating to public assistance; amending section 4, chapter 30, Laws of 1967 1st ex. sess. and RCW 74.09.510; and declaring an emergency.

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

Section 1. Section 4, chapter 30, Laws of 1967 1st ex. sess. and RCW 74.09.510 are each amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department of public assistance to an applicant: (1) Who is in need; (2) who has not made a voluntary assignment of property or cash for the purpose of qualifying for an assistance grant; (3) who is not an inmate of a public institution except as a patient in a medical institution and except as inmate in a county or city jail or juvenile detention facility, and

who is not a patient under the age of sixty-five years in an institution for mental disease or tuberculosis and who is not a patient in a medical institution because of the diagnosis of psychosis or tuberculosis; and (4) who is a resident of the state of Washington.

NEW SECTION. Sec. 2. The department of public assistance is hereby directed to allocate the sum of three hundred thousand dollars or as much thereof as is necessary from the general fund appropriation as provided for in Substitute House Bill No. 33 (Chapter . . . , Laws of 1970), to be employed to pay medical costs of indigent prisoners of county and city jails or juvenile facilities in accordance with eligibility standards to be developed by the department.

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

Passed the Senate February 11, 1970
Passed the House February 10, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 61
[Engrossed Senate Bill No. 266]
GARNISHMENTS

AN ACT Relating to garnishments; reenacting section 5, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.050; amending section 8, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.080; amending section 13, chapter 264, Laws of 1969 ex. sess. and RCW 7.33-.130; amending section 19, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.190; amending section 28, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.280; amending section 34, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.340; and adding new sections to chapter 264, Laws of 1969 ex. sess. and to chapter 7.33 RCW.

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

Section 1. Section 5, chapter 264, Laws of 1969 ex.sess. and RCW 7.33.050 are each reenacted to read as follows:

When the foregoing requisites have been complied with the clerk shall docket the case in the name of the plaintiff as plaintiff and of the garnishee as defendant, and shall immediately issue a writ of garnishment, in such form as provided in RCW 7.33.110, directed to the garnishee, commanding him to answer said writ on forms served with and complying with RCW 7.33.150 within twenty days after the service of the writ upon him.

Sec. 2. Section 8, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.080 are each amended to read as follows:

The writ of garnishment provided for in RCW 7.33.060 through 7.33.080 shall be served in the same manner and upon the same officer as is required and provided by law for service of summons upon the commencement of a civil action against the state, county, city, town, school district, or other municipal corporation, as the case may be; and forms and envelopes shall be served with the writ as provided in RCW (~~7.33.110~~) 7.33.130.

Sec. 3. Section 28, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.280 are each amended to read as follows:

~~((The greater of--(1)-Forty-times-the-state-hourly-minimum wage-or-(2)-seventy-five-percent-of-the-disposable-earnings-of-the defendant-shall-be-exempt-from-garnishment;-whether-such-earnings are-paid;-or-to-be-paid;-weekly;-monthly;-or-at-other-regular-intervals;-and-whether-there-be-due-the-defendant-earnings-for-one-week or-for-a-longer-period.))~~ If the garnishee is an employer owing the defendant wages, salary, or other compensation for personal services, then for each week of such wages, salary or other compensation, the following amounts shall be exempt from garnishment: the greater of (1) forty times the state hourly minimum wage or (2) seventy-five per cent of the disposable earnings of the defendant. Such exemption shall apply whether such earnings are paid, or to be paid, weekly, monthly, or at other intervals, and whether there be due the defendant earnings for one week, a portion thereof, or for a longer period. The term "disposable earnings" means that part of the earnings of any

individual remaining after the deduction from those earnings of any amount required by law to be withheld: PROVIDED, That amount deducted from an employee's compensation as contributions toward a participating pension or retirement program established pursuant to a collective bargaining agreement shall not be considered a part of disposable earnings. Unless directed otherwise by the court, the garnishee shall determine and deduct the amount exempt under this section and shall pay this amount to the defendant: PROVIDED FURTHER, That the foregoing exemptions shall not apply in the case of a garnishment for child support if (a) the garnishment is based on a judgment or other court order; (b) the amount stated on the writ does not exceed the amount of two months support payments; and (c) the following language is conspicuously added to the writ of garnishment: "This garnishment is based on a judgment or court order for child support. Hold all funds you owe the defendant up to the amount stated above without regard to any statutory exemption".

Sec. 4. Section 34, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.340 are each amended to read as follows:

In all actions in which a writ of garnishment ((ef-wages)) has been issued by a court and served upon a garnishee, in the event judgment is not entered for the plaintiff on the claim sued upon by plaintiff, and the claim has not voluntarily been settled or otherwise satisfied, the defendant shall have an action for damages against the plaintiff. The defendant's action for damages may be brought by way of a counterclaim in the original action or in a separate action and in the action the trier of fact, in addition to other actual damages sustained by the defendant, may award him reasonable attorney's fees.

NEW SECTION. Sec. 5. There is added to chapter 264, Laws of 1969 ex. sess. and to chapter 7.33 RCW a new section to read as follows:

A plaintiff or a judgment creditor may obtain a continuing lien on wages by a garnishment pursuant to sections 6 through 9 of

this 1970 amendatory act.

NEW SECTION. Sec. 6. There is added to chapter 264, Laws of 1969 ex. sess. and to chapter 7.33 RCW a new section to read as follows:

Service of the writ shall comply fully with RCW 7.33.130 and, in addition (1) plaintiff shall mark the caption of the writ "continuing lien"; and (2) all answer forms served on employer shall be substantially as follows:

- (1) Where garnishee is an employer:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF _____

Plaintiff,

vs.

Defendant,

NO. _____

) ANSWER TO WRIT OF GARNISHMENT
) (EMPLOYER FORM)

Garnishee.
_____)

At the time of service of the writ of garnishment on the garnishee there was due and owing from the garnishee to the above-named defendant \$_____ for the last pay period. Garnishee has deducted from this amount \$_____ which is the exemption to which the defendant is entitled.

On the reverse side of this answer form, or on a schedule attached hereto, give the following information: (1) An explanation

of the dollar amount stated, or reasons why there is uncertainty about your answer, if deemed necessary; (2) List all of the personal property or effects or funds, other than wages, of defendant in the garnishee's possession or control when the writ was served. GARNISHEE WILL CONTINUE TO HOLD THE NON EXEMPT PORTION OF THE DEFENDANT'S EARNINGS AS THEY ACCRUE THROUGH THE LAST PAYROLL PERIOD ENDING ON OR BEFORE THIRTY DAYS FROM THE EFFECTIVE DATE OF THE WRIT (DATE OF SERVICE OR DATE PREVIOUSLY SERVED WRIT OR WRITS TERMINATES), OR UNTIL THE SUM HELD EQUALS THE AMOUNT STATED IN THE WRIT OF GARNISHMENT OR UNTIL THE EMPLOYMENT RELATIONSHIP TERMINATES WHICHEVER SHALL COME FIRST.

Garnishee (is) (is not) presently holding the nonexempt portion of defendant's wages, salary or other compensations under a previous writ which will terminate not later than _____, 19 _____. An attorney may answer for the garnishee.

Under penalty or perjury, I affirm that I have examined this answer, including accompanying schedules, and to the best of my knowledge and belief it is true, correct, and complete.

_____	_____
Signature of Garnishee	Date
_____	_____
Signature of person answering for garnishee	Connection with garnishee

In the event plaintiff fails to comply with this section, employer may elect to treat the garnishment as one not creating a continuing lien.

NEW SECTION. Sec. 7. There is added to chapter 264, Laws of 1969 ex. sess. and to chapter 7.33 RCW a new section to read as follows:

(1) In the case of a garnishment of earnings, where the garnishee's answer reflects that the defendant is employed by him, the judgment or balance due thereon as reflected on the writ of garnishment, shall become a lien on earnings due at the time of service of [568]

the writ to the extent that they are not exempt from garnishment, and such lien shall continue as to subsequent nonexempt earnings until the total subject to the lien equals the amount stated on the writ of garnishment or until the expiration of the employer's payroll period ending immediately prior to thirty days after the effective date of the writ as hereafter defined, whichever occurs first, except that such lien on subsequent earnings shall terminate sooner if the employment relationship is terminated if the underlying judgment is vacated, modified, or satisfied in full or if the writ is dismissed.

(2) At the time of the expected termination of the lien, plaintiff shall mail to garnishee four additional copies of the answer form and three additional stamped envelopes addressed as provided in RCW 7.33.130.

(3) Within twenty days of receipt of the second answer form the garnishee shall file a second answer, in the form as provided in section 6 of this 1970 amendatory act, stating the total amount held subject to the garnishment.

NEW SECTION. Sec. 8. There is added to chapter 264, Laws of 1969 ex. sess. and to chapter 7.33 RCW a new section to read as follows:

A lien obtained under section 7 of this 1970 amendatory act shall have priority over any subsequent garnishment lien or wage assignment. Any writ of garnishment served upon an employer pursuant to section 6 of this 1970 amendatory act while a lien imposed by a previous writ is still in effect, shall be answered by employer with a statement that he is holding no funds and with a further statement stating when all previous liens are expected to terminate. Such subsequent writ shall have full effect for thirty days from the termination of all prior liens, or until this is otherwise terminated under section 7 of this act: PROVIDED, That a subsequent writ shall not be effective if a writ in the same cause of action is pending at the time of service of garnishment.

NEW SECTION. Sec. 9. There is added to chapter 264, Laws of 1969 ex. sess., and to chapter 7.33 RCW, a new section to read as follows:

The effective date of a writ of garnishment served under section 6 of this 1970 amendatory act shall be the date of service thereof upon the garnishee, provided that if there are, on that date, liens by virtue of a previous writ or writs, the effective date shall be the date all previous writs terminate.

Sec. 10. Section 19, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.190 are each amended to read as follows:

Should the garnishee fail to make answer to the writ within the time prescribed therein, it shall be lawful for the court, on or after the time to answer such writ has expired, to render judgment by default against such garnishee for the full amount claimed by plaintiff against the defendant, or in case plaintiff has a judgment against defendant, for the full amount of such judgment with all accruing interest and costs: PROVIDED, That upon motion by the garnishee at any time prior to execution, such judgment against garnishee shall be reduced to the amount of any nonexempt funds or property which was actually in the possession of garnishee at the time the writ was served, plus the cumulative amount of the nonexempt earnings subject to the lien provided for in section 7 of this amendatory act, or the sum of one hundred dollars, whichever is more, but in no event to exceed the amount of the judgment against defendant plus all accruing costs, and in addition plaintiff shall be entitled to a reasonable attorney's fee for plaintiff's response to garnishee's motion to reduce said judgment under this proviso.

Sec. 11. Section 13, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.130 are each amended to read as follows:

Service of the writ of garnishment is invalid unless there is served therewith (1) Four answer forms as provided in RCW 7.33.150 together with stamped envelopes addressed respectively to the clerk of the court issuing the writ, the attorney for the plaintiff (or to

the plaintiff if he has no attorney), and the defendant; and (2) Cash, ((a-certified-check)) or a ((cashier's)) check made payable to the garnishee in the amount of ten dollars. The writ of garnishment may be served by the sheriff of the county in which the garnishee lives or it may be served by any citizen of the state of Washington over the age of twenty-one years and not a party to the action in which it is issued in the same manner as a summons in an action is served: PROVIDED, HOWEVER, That where the writ is directed to a bank, banking association, mutual savings bank or savings and loan association maintaining branch offices, as garnishee, the writ must be directed to and service thereof must be made by leaving a copy of the writ with the manager or any other officer or cashier or assistant cashier of such bank or association at the office or branch thereof at which the account evidencing such indebtedness of the defendant is carried or at the office or branch which has in its possession or under its control credits or other personal property belonging to the defendant. In every case where a writ of garnishment is served by an officer, such officer shall make his return thereon showing the time, place and manner of service and that the writ was accompanied by answer forms and addressed envelopes and cash or a check as required by this section, and noting thereon his fees for making such service and shall sign his name to such return. In case such service is made by any person other than an officer, such person shall attach to the original writ his affidavit showing his qualifications to make such service, and that the writ was accompanied by answer forms and addressed envelopes and cash deposit or a check as required by this section, and the time, place and manner of making service, and shall endorse thereon the legal fees therefor.

Passed the Senate February 10, 1970

Passed the House February 6, 1970

Approved by the Governor February 20, 1970

Filed in Office of Secretary of State February 24, 1970

CHAPTER 62
[Engrossed Senate Bill No. 1]
DEPARTMENT OF ECOLOGY

AN ACT Relating to state government; creating a state department of ecology and setting out its powers, duties and functions; creating an ecological commission and setting forth its powers, duties and functions; creating a pollution control hearings board and setting forth its powers, duties and functions; abolishing certain state agencies and transferring the powers, duties, and functions thereof, as well as transferring certain powers, duties, and functions of existing state agencies; amending section 1, chapter 32, Laws of 1969 and RCW 43.17-.010; amending section 2, chapter 32, Laws of 1969 and RCW 43-.17.020; repealing section 1, chapter 242, Laws of 1967 and RCW 43.27A.010; repealing section 3, chapter 242, Laws of 1967 and RCW 43.27A.030; repealing section 4, chapter 242, Laws of 1967 and RCW 43.27A.040; repealing section 5, chapter 242, Laws of 1967 and RCW 43.27A.050; repealing section 6, chapter 242, Laws of 1967 as amended by section 2, chapter 103, Laws of 1969 ex. sess. and RCW 43.27A.060; repealing section 7, chapter 242, Laws of 1967 and RCW 43.27A.070; repealing section 10, chapter 242, Laws of 1967 as amended by section 1, chapter 103, Laws of 1969 ex. sess. and RCW 43.27A-.100; repealing section 11, chapter 242, Laws of 1967 and RCW 43.27A.110; repealing section 16, chapter 242, Laws of 1967 and RCW 43.27A.140; repealing section 17, chapter 242, Laws of 1967 and RCW 43.27A.150; repealing section 18, chapter 242, Laws of 1967 and RCW 43.27A.160; repealing section 19, chapter 242, Laws of 1967 and RCW 43.27A.170; repealing section 1, chapter 188, Laws of 1961 as last amended by section 32, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.300; repealing section 2, chapter 188, Laws of 1961 and RCW 70.94.310; repealing section 3, chapter 188, Laws of 1961 as amended by sec-

tion 33, chapter 168, Laws of 1969 ex. sess. and RCW 70.94-.320; repealing section 3, chapter 216, Laws of 1945 as amended by section 2, chapter 13, Laws of 1967 and RCW 90.48-.021; repealing sections 4 and 5, chapter 216, Laws of 1945 and RCW 90.48.022 and 90.48.023; repealing section 6, chapter 216, Laws of 1945 as amended by section 3, chapter 13, Laws of 1967 and RCW 90.48.024; repealing section 7, chapter 216, Laws of 1945 as amended by section 4, chapter 13, Laws of 1967 and RCW 90.48.025; repealing section 8, chapter 216, Laws of 1945 as amended by section 5, chapter 13, Laws of 1967 and RCW 90.48.026; repealing section 9, chapter 216, Laws of 1945 and RCW 90.48.027; adding a new section to chapter 1, Laws of 1961 and to chapter 41.06 RCW; adding new chapters to Title 43 RCW; amending section 25, chapter 238, Laws of 1967 as amended by section 16, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.141; amending section 34, chapter 238, Laws of 1967 as amended by section 24, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.211; amending section 35, chapter 238, Laws of 1967 as amended by section 25, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.221; amending section 36, chapter 238, Laws of 1967 as amended by section 26, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.222; amending section 3, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.030; and providing an effective date.

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

NEW SECTION. Section 1. The legislature recognizes, and declares it to be the policy of this state, that it is a fundamental and inalienable right of the people of the state of Washington to live in a healthful and pleasant environment and to benefit from the proper development and use of its natural resources. The legislature further recognizes that as the population of our state grows, the need to provide for our increasing industrial, agricultural, residen-

tial, social, recreational, economic and other needs will place an increasing responsibility on all segments of our society to plan, coordinate, restore and regulate the utilization of our natural resources in a manner that will protect and conserve our clean air, our pure and abundant waters, and the natural beauty of the state.

NEW SECTION. Sec. 2. In recognition of the responsibility of state government to carry out the policies set forth in section 1 of this 1970 amendatory act, it is the purpose of this chapter to establish a single state agency with the authority to manage and develop our air and water resources in an orderly, efficient, and effective manner and to carry out a coordinated program of pollution control involving these and related land resources. To this end a department of ecology is created by this chapter to undertake, in an integrated manner, the various water regulation, management, planning and development programs now authorized to be performed by the department of water resources and the water pollution control commission, the air regulation and management program now performed by the state air pollution control board, the solid waste regulation and management program authorized to be performed by state government as provided by chapter 70.95 RCW, and such other environmental, management protection and development programs as may be authorized by the legislature.

NEW SECTION. Sec. 3. As used in this chapter, unless the context indicates otherwise:

- (1) "Department" means the department of ecology.
- (2) "Director" means the director of the department of ecology.
- (3) "Commission" means the ecological commission.

NEW SECTION. Sec. 4. There is created a department of state government to be known as the department of ecology.

NEW SECTION. Sec. 5. The executive and administrative head of the department shall be the director. The director shall be ap-

pointed by the governor with the consent of the senate. He shall have complete charge of and supervisory powers over the department. He shall be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in the position of director while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate at which time he shall present to that body his nomination for the position.

NEW SECTION. Sec. 6. The following powers, duties and functions are hereby transferred to the department of ecology created in section 4 of this 1970 amendatory act:

(1) All powers, duties and functions authorized to be performed by the water pollution control commission, or the director thereof, by the terms of chapter 90.48 RCW or otherwise, including those assigned by action of this 1970 legislature;

(2) All powers, duties and functions authorized to be performed by the department of water resources, or the director thereof, by the terms of chapter 43.27A RCW or otherwise, including those assigned by action of this 1970 legislature;

(3) All powers, duties and functions authorized to be performed with reference to air pollution by the department of health, or the director thereof, and by the state air pollution control board or its executive director, by terms of chapter 70.94 RCW, the Washington Clean Air Act, or otherwise, including those assigned by this 1970 legislature; and

(4) All powers, duties and functions authorized to be performed by the department of health, or the director of health, involving the control of pollution problems created by the disposal of solid waste, including those assigned by action of this 1970 legislature, and all powers, duties and functions to be exercised and performed by a department of ecology by the terms of chapter 70.95 RCW, including those assigned by this 1970 legislature.

NEW SECTION. Sec. 7. The administrative procedure act, chapter 34.04 RCW, shall apply to the review of decisions by the director to the same extent as it applied to decisions issued by the directors of the various departments whose powers, duties and functions are transferred by this 1970 amendatory act to the department of ecology. The administrative procedure act shall further apply to all other decisions of the director as in that act provided.

NEW SECTION. Sec. 8. The director of the department of ecology is authorized to adopt such rules and regulations as are necessary and appropriate to carry out the provisions of this chapter.

NEW SECTION. Sec. 9. All powers, duties and functions transferred to the department by the terms of this 1970 amendatory act shall be performed by the director: PROVIDED, That the director may delegate, by appropriate rule or regulation, the performance of such of his powers, duties, and functions, other than those relating to the adoption, amendment or rescission of rules and regulations, to employees of the department whenever it appears desirable in fulfilling the policy and purposes of this chapter.

NEW SECTION. Sec. 10. In order to obtain maximum efficiency and effectiveness within the department, the director may create such administrative divisions within the department as he deems necessary. The director shall appoint a deputy director as well as such assistant directors as shall be needed to administer the several divisions within the department. The deputy director shall have charge and general supervision of the department in the absence or disability of the director. In the case of a vacancy in the office of director, the deputy director shall administer the department until the governor appoints a successor to the director or an acting director. The officers appointed under this section and exempt from the provisions of the state civil service law as provided in section 11 of this 1970 amendatory act, shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the

state civil service law.

NEW SECTION. Sec. 11. There is added to chapter 1, Laws of 1961 and to chapter 41.06 RCW a new section to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of ecology to the director, his confidential secretary, his deputy director, and not to exceed six assistant directors.

NEW SECTION. Sec. 12. The director shall have the power to employ such personnel as may be necessary for the general administration of this chapter: PROVIDED, That except as specified in section 11 of this 1970 amendatory act, such employment shall be in accordance with the rules of the state civil service law, chapter 41.06 RCW.

NEW SECTION. Sec. 13. In addition to any other powers granted the director, he may undertake studies dealing with all aspects of environmental problems involving land, water, or air: PROVIDED, That in the absence of specific legislative authority, such studies shall be limited to investigations of particular problems, and shall not be implemented by positive action: PROVIDED FURTHER, That the results of all such studies shall be submitted to the legislature prior to thirty days before the beginning of each regular session.

NEW SECTION. Sec. 14. The director in carrying out his powers and duties under this chapter shall consult with the department of health and the state board of health, or their successors, insofar as necessary to assure that those agencies concerned with the preservation of life and health may integrate their efforts to the fullest extent possible and endorse policies in common.

NEW SECTION. Sec. 15. The director, whenever it is lawful and feasible to do so, shall consult and cooperate with the federal government, as well as with other states and Canadian provinces, in the study and control of environmental problems. On behalf of the department, the director is authorized to accept, receive, disburse, and administer grants or other funds or gifts from any source, including private individuals or agencies, the federal government, and

other public agencies, for the purpose of carrying out the provisions of this chapter.

NEW SECTION. Sec. 16. Whenever any records or other information furnished under the authority of this chapter to the director, the department, or any division of the department, relate to the processes of production unique to the owner or operator thereof, or may affect adversely the competitive position of such owner or operator if released to the public or to a competitor, the owner or operator of such processes or production may so certify, and request that such information or records be made available only for the confidential use of the director, the department, or the appropriate division of the department. The director shall give consideration to the request, and if such action would not be detrimental to the public interest and is otherwise within accord with the policies and purposes of this chapter, may grant the same.

NEW SECTION. Sec. 17. There is hereby created an ecological commission. The commission shall consist of seven members to be appointed by the governor from the electors of the state who shall have a general knowledge of and interest in environmental matters. No persons shall be eligible for appointment who hold any other state, county or municipal elective or appointive office.

(a) One public member shall be a representative of organized labor and shall be selected by the governor from a list of not less than three names submitted to the governor by an organization state-wide in scope which through its affiliates embraces a cross section and a majority of organized labor of the state.

(b) One public member shall be a representative of the business community and shall be selected by the governor from a list of not less than three names submitted by the governor by an organization state-wide in scope which through its affiliates embraces a cross section and a majority of the business community of the state.

(c) One public member shall be a representative of the agricultural community and shall be selected by the governor from a list

of not less than three names submitted to the governor by an organization state-wide in scope which through its affiliates embraces a cross section and a majority of the agricultural community of the state.

(d) Four persons representing the public at large.

The members of the initial commission shall be appointed within thirty days after the effective date of this act. Of the members of the initial commission, two shall be appointed for terms ending June 30, 1974, two shall be appointed for terms ending on June 30, 1973, two shall be appointed for terms ending on June 30, 1972, and one shall be appointed for a term ending June 30, 1971. Thereafter, each member of the commission shall be appointed for a term of four years. Vacancies shall be filled within ninety days for the remainder of the unexpired term by appointment of the governor in the same manner as the original appointments. Each member of the commission shall continue in office until his successor is appointed. No member shall be appointed for more than two consecutive terms. The chairman of the commission shall be appointed from the members by the governor.

The governor may remove any commission member for cause giving him a copy of the charges against him, and an opportunity of being publicly heard in person, or by counsel in his own defense. There shall be no right of review in any court whatsoever. The director or administrator, or a designated representative, of each of the following state agencies:

- (1) The department of agriculture;
- (2) The department of commerce and economic development;
- (3) The department of fisheries;
- (4) The department of game;
- (5) The department of health;
- (6) The department of natural resources;
- (7) The state parks and recreation commission shall be given

notice of and may attend all meetings of the commissions and shall be given full opportunity to examine and be heard on all proposed

orders, regulations or recommendations.

NEW SECTION. Sec. 18. The commission shall meet quarterly at a date and place of its choice, and at such other times as shall be designated by the director or upon the written request of a majority of the commission. Members of the commission shall receive twenty-five dollars per diem for each day or major portion thereof actually spent in attending to their duties as commission members; and, in addition, they shall be entitled to reimbursement and for their travel expenses as provided in RCW 43.03.060, as now or hereafter amended.

NEW SECTION. Sec. 19. It shall be the duty of the members of the commission to provide advice and guidance to the director on each of the following:

(1) Any positions proposed to be taken by the department on behalf of the state before interstate and federal agencies or federal legislative bodies on matters relating to or affecting the quality of the environment of the state;

(2) Any comprehensive environment quality plan, program or policy proposed for adoption by the department as a state plan or policy pertaining to an environmental management activity;

(3) Any procedures for the financial assistance grants proposed to be given to municipal, regional, county or state organizations for environmental quality purposes;

(4) Any procedures for considering applications for and granting variances;

(5) Any proposal developed for submission to the legislature as a departmental request bill;

(6) Any other matter pertaining to the activities of the department submitted by the director for which advice and guidance is requested.

The director shall submit in writing to each member of the commission all rules and regulations, other than for procedural matters, proposed by him for adoption in accordance with the procedures

of chapter 34.04 RCW. Unless, within thirty days of such notification, five of the members of the commission, notify the director in writing of their disapproval of such proposed rules and regulations and their reasons therefor, such rules and regulations shall be adopted by the director in accordance with the procedures of chapter 34.04 RCW.

No powers, duties and functions authorized to be performed by the department of water resources, or the director thereof, by the terms of chapter 43.27A RCW or otherwise, including those assigned by action of the 1970 legislature shall be affected by this section.

NEW SECTION. Sec. 20. In matters submitted to the commission for advice and guidance, as set forth in section 19 of this 1970 amendatory act, it shall be the responsibility of the director to accompany such request with a statement of the background occasioning the request, together with the director's proposal for dealing with the same. Each member shall individually submit to the director in writing his views within such time as the director shall prescribe. In considering a matter submitted to it by the director, the commission shall conduct such public hearings and make such investigations as it deems necessary. The secretary of the commission shall be the director, or an employee of the department designated by the director. It shall be the duty of the secretary to act as liaison between the commission and department as well as other state agencies; to prepare the minutes of the commission; and otherwise to assist the commission. The director shall furnish to the commission such staff and facilities as may be necessary to fulfill its duties. He shall submit to the governor during July of each year, a report containing a summary of the advice and guidance rendered by the commission during the preceding twelve month period.

NEW SECTION. Sec. 21. In addition to the duties and authorities contained in sections 19 and 20, the advisory commission may agree to consider any matter pertinent to the purposes of this act by consent of a majority of the members.

NEW SECTION. Sec. 22. All employees and personnel classified under chapter 41.06 RCW, the state civil service law, and engaged in duties pertaining to the functions transferred by this chapter shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state merit system.

NEW SECTION. Sec. 23. All reports, documents, surveys, books, records, files, papers or other writings in the possession of the department of health or state board of health pertaining to air pollution, in the possession of the department of health pertaining to air or solid waste pollution, or in the possession of the department of water resources or in the possession of the water pollution control commission shall be delivered to the custody of the department of ecology.

All cabinets, furniture, office equipment, motor vehicles and other tangible property employed in carrying out the powers, duties, and functions transferred by this chapter shall be made available to the department of ecology.

All funds, credits or other assets held in connection with the functions herein transferred shall be assigned to the department of ecology.

Any appropriations made to the department of health, the state air pollution control board, the department of water resources, or the water pollution control commission for the purpose of carrying out the powers, duties, and functions herein transferred, shall on the effective date of this chapter be transferred and credited to the department of ecology for the purpose of carrying out such transferred powers, duties and functions.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment or any other tangible property used or held in the exercise of the powers and the performance of the

duties and functions transferred under this chapter, the director of program planning and fiscal management shall make a determination thereon and certify the same to the state agencies concerned.

NEW SECTION. Sec. 24. All state officials required to maintain contact with or provide services to the department of water resources, to the water pollution control commission, to the department of health or state air pollution control board in connection with air pollution, or to the department of health in connection with solid waste pollution, shall continue to perform such services for the department of ecology unless otherwise directed by this chapter.

NEW SECTION. Sec. 25. Except as specifically provided in this 1970 amendatory act, the provisions hereof shall not impair or supersede the powers or rights granted under any other law to any person, committee, or association, any public, municipal, or private corporation, any state or local governmental agency, any federal agency, or any political subdivision of the state of Washington. Pollution control permits, water quality standards, air pollution permits, air quality standards, and permits for disposal of solid waste material are not affected by this 1970 amendatory act, and the laws governing the same shall be protected and preserved.

NEW SECTION. Sec. 26. On July 1, 1970, the following state agencies, councils and committees are abolished:

- (1) The department of water resources.
- (2) The water pollution control commission.
- (3) The state air pollution control board.
- (4) The water resources advisory council.

All rules and regulations, and all pending business before the department of water resources, the department of health, the state air pollution control board or the water pollution control commission pertaining to matters affected by this chapter, as of July 1, 1970, shall be continued and acted upon by the department of ecology.

All existing contracts and obligations pertaining to the functions herein transferred shall remain in full force and effect, and

shall be performed by the department. Neither the abolition of any agency nor any of the transfers authorized by this chapter shall affect the validity of any act performed by the department of water resources, the department of health, the state air pollution control board, or the water pollution control commission, or by any official or employee thereof, prior to the effective date of this chapter.

NEW SECTION. Sec. 27. The rule of strict construction shall have no application to this chapter and it shall be liberally construed in order to carry out the broad purposes set forth in section 2 of this 1970 amendatory act.

Sec. 28. Section 1, chapter 32, Laws of 1969 and RCW 43.17-.010 are each amended to read as follows:

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 ((~~water-resources~~)) ecology, (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, (12) the department of commerce and economic development, and (13) the department of revenue, 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.

Sec. 29. Section 2, chapter 32, Laws of 1969 and RCW 43.17-.020 are each amended to read as follows:

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 ((~~water-resources~~)) ecology, (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, (12) the director of commerce and economic development, and (13) the director of revenue.

Such officers, except the director of highways and the director of game, 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, and the director of game shall be appointed by the game commission.

NEW SECTION. Sec. 30. The following acts or parts thereof are each hereby repealed:

- (1) Section 3, chapter 242, Laws of 1967 and RCW 43.27A.030;
- (2) Section 4, chapter 242, Laws of 1967 and RCW 43.27A.040;
- (3) Section 5, chapter 242, Laws of 1967 and RCW 43.27A.050;
- (4) Section 6, chapter 242, Laws of 1967 as amended by section 2, chapter 103, Laws of 1969 ex. sess. and RCW 43.27A.060;
- (5) Section 7, chapter 242, Laws of 1967 and RCW 43.27A.070;
- (6) Section 10, chapter 242, Laws of 1967 as amended by section 1, chapter 103, Laws of 1969 ex. sess. and RCW 43.27A.100;
- (7) Section 11, chapter 242, Laws of 1967 and RCW 43.27A.110;
- (8) Section 16, chapter 242, Laws of 1967 and RCW 43.27A.140;
- (9) Section 17, chapter 242, Laws of 1967 and RCW 43.27A.150;
- (10) Section 18, chapter 242, Laws of 1967 and RCW 43.27A-.160;
- (11) Section 19, chapter 242, Laws of 1967 and RCW 43.27A-.170;
- (12) Section 1, chapter 188, Laws of 1961 as last amended by section 32, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.300;
- (13) Section 2, chapter 188, Laws of 1961 and RCW 70.94.310;
- (14) Section 3, chapter 188, Laws of 1961 as amended by section 33, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.320;

(15) Section 3, chapter 216, Laws of 1945 as amended by section 2, chapter 13, Laws of 1967 and RCW 90.48.021;

(16) Sections 4 and 5, chapter 216, Laws of 1945 and RCW 90.48.022 and 90.48.023;

(17) Section 6, chapter 216, Laws of 1945 as amended by section 3, chapter 13, Laws of 1967 and RCW 90.48.024;

(18) Section 7, chapter 216, Laws of 1945 as amended by section 4, chapter 13, Laws of 1967 and RCW 90.48.025;

(19) Section 8, chapter 216, Laws of 1945 as amended by section 5, chapter 13, Laws of 1967 and RCW 90.48.026;

(20) Section 9, chapter 216, Laws of 1945 and RCW 90.48.027;
and

(21) Section 1, chapter 242, Laws of 1967 and RCW 43.27A.010.

NEW SECTION. Sec. 31. There is hereby created a pollution control hearings board of the state of Washington as an agency of state government.

The purpose of the hearings board is to provide for a more expeditious and efficient disposition of appeals with respect to the decisions and orders of the department and director and with respect to all decisions of air pollution control boards or authorities established pursuant to chapter 70.94 RCW.

NEW SECTION. Sec. 32. The hearings board shall consist of three members qualified by experience or training in pertinent matters pertaining to the environment, and at least one member of the hearings board shall have been admitted to practice law in this state and engaged in the legal profession at the time of his appointment. The hearings board shall be appointed by the governor with the advice and consent of the senate, and no more than two of whom at the time of appointment or during their term shall be members of the same political party.

NEW SECTION. Sec. 33. Members of the hearings board shall be appointed for a term of six years and until their successors are appointed and have qualified. In case of a vacancy, it shall be filled

by appointment by the governor for the unexpired portion of the term in which said vacancy occurs: PROVIDED, That the terms of the first three members of the hearings board shall be staggered so that one member shall be appointed to serve until July 1, 1972, one member until July 1, 1974, and one member until July 1, 1976.

NEW SECTION. Sec. 34. Any member of the hearings board may be removed for inefficiency, malfeasance and misfeasance in office, under specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of the hearing which shall be public, and the procedure for the hearing, and the decision of such tribunal shall be final and not subject to review by the supreme court. Removal of any member of the hearings board by the tribunal shall disqualify such member for reappointment.

NEW SECTION. Sec. 35. The hearings board shall operate on either a part time or a full time basis, as determined by the governor. If it is determined that the hearings board shall operate on a full time basis, each member of the hearings board shall receive an annual salary to be determined by the governor pursuant to RCW 43.03-.040. If it is determined the hearings board shall operate on a part time basis, each member of the hearings board shall receive compensation on the basis of seventy-five dollars per diem for each day spent in performance of his duties: PROVIDED, That such compensation shall not exceed ten thousand dollars in a calendar year. Each hearings board member shall receive reimbursement for travel and other expenses incurred in the discharge of his duties in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 36. Each member of the hearings board: (1) shall not be a candidate for nor hold any other public office or trust, and shall not engage in any occupation or business interfering with or inconsistent with his duty as a member of the hearings board,

nor shall he serve on or under any committee of any political party; and (2) shall not for a period of one year after the termination of his membership on the hearings board, act in a representative capacity before the hearings board on any matter.

NEW SECTION. Sec. 37. The hearings board may appoint, discharge and fix the compensation of an executive secretary, a clerk, and such other clerical, professional and technical assistants as may be necessary, or may contract for required services.

NEW SECTION. Sec. 38. The hearings board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chairman, and shall at least biennially thereafter meet and elect such a chairman.

NEW SECTION. Sec. 39. The principal office of the hearings board shall be at the state capitol, but it may sit or hold hearings at any other place in the state. A majority of the hearings board shall constitute a quorum for making orders or decisions, promulgating rules and regulations necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position of the hearings board be vacant. One or more members may hold hearings and take testimony to be reported for action by the hearings board when authorized by rule or order of the hearings board. The hearings board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.

NEW SECTION. Sec. 40. The hearings board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decisions shall be effective upon being signed by two or more members of the hearings board and upon being filed at the hearings board's principal office, and shall be open for public inspection at all reasonable times.

NEW SECTION. Sec. 41. The hearings board shall only have jurisdiction to hear and decide appeals from the decisions of the department and the director and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW when such

decisions concern matters within the jurisdiction of the hearings board as provided in this act or as provided in any future act or law granting the hearings board additional jurisdiction. The hearings board shall also have jurisdiction to hear and decide appeals from any person aggrieved by an order issued by the department or by air pollution control boards or authorities as established pursuant to chapter 70.94 RCW with respect to a violation or violations of this act or of any rule or regulation adopted by the department or of any other law within the jurisdiction of the department. The issuance, modification, or termination of any permit or license by the department in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, or the modification of the conditions or the terms of a waste disposal permit, shall be deemed to be an order for purposes of this act: PROVIDED, That review of rules and regulations adopted by the board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION. Sec. 42. Notwithstanding any other provisions of law to the contrary, the department and all air pollution control boards or authorities established pursuant to chapter 70.94 RCW are hereby prohibited from conducting hearings on violations of any rule or regulation made by the department or the director, on violations of this act, or on violations of any rule or regulation adopted by any air pollution control board or authority established pursuant to chapter 70.94 RCW, or on the issuance, modification, or termination of any permit or license, within the jurisdiction of the department. All petitions for hearings with respect to such violations shall be heard by this hearing board created in this 1970 act: PROVIDED, That violations of any rule or regulation made by any air pollution control board or authority established pursuant to chapter 70.94 RCW, may be heard by a hearings board of three members created by such board or authority pursuant to regulations promulgated by the hearings board

created in this act.

Any order issued by the department or by any air pollution control board or authority established pursuant to chapter 70.94 RCW shall become final unless, no later than thirty days after the date that the notice and order are served, the person aggrieved by the order appeals to the hearings board as provided for in this act.

NEW SECTION. Sec. 43. The Administrative Procedure Act, chapter 34.04 RCW, shall apply to the appeal of rules and regulations adopted by the board to the same extent as it applied to the review of rules and regulations adopted by the directors and/or boards or commissions of the various departments whose powers, duties and functions are transferred by this 1970 act to the department. All other decisions and orders of the director and all decisions of air pollution control boards or authorities established pursuant to chapter 70.94 RCW shall be subject to review by the hearings board as provided in this 1970 act.

NEW SECTION. Sec. 44. In all appeals over which the hearings board has jurisdiction under sections 41 and 42 of this 1970 act, a party taking an appeal may elect either a formal or an informal hearing, such election to be made according to rules of practice and procedure to be promulgated by the hearings board: PROVIDED, That nothing herein shall be construed to modify the provisions of sections 49 and 50 of this 1970 act. In the event that appeals are taken from the same decision, order, or determination, as the case may be, by different parties and only one of such parties elects a formal hearing, a formal hearing shall be granted.

NEW SECTION. Sec. 45. In all appeals involving an informal hearing, the hearings board shall have all powers relating to the administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies by chapter 34.04 RCW. In the case of appeals within the scope of this 1970 act the hearings board or any member thereof may obtain such assistance, including the making of field investigations, from the staff of the director as the hear-

ings board or any member thereof may deem necessary or appropriate: PROVIDED, That any communication, oral or written, from the staff of the director to the hearings board shall be presented only in an open hearing.

NEW SECTION. Sec. 46. In all appeals involving a formal hearing the hearings board shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies in chapter 34.04 RCW; and the hearings board, and each member thereof, shall be subject to all duties imposed upon, and shall have all powers granted to, an agency by those provisions of chapter 34.04 RCW relating to contested cases. In the case of appeals within the scope of this 1970 act, the hearings board, or any member thereof, may obtain such assistance, including the making of field investigations, from the staff of the director as the hearings board, or any member thereof, may deem necessary or appropriate: PROVIDED, That any communication, oral or written, from the staff of the director to the hearings board shall be presented only in an open hearing.

NEW SECTION. Sec. 47. All proceedings, including both formal and informal hearings, before the hearings board or any of its members shall be conducted in accordance with such rules of practice and procedure as the hearings board may prescribe. The hearings board shall publish such rules and arrange for the reasonable distribution thereof.

NEW SECTION. Sec. 48. Judicial review of a decision of the hearings board shall be de novo except when the decision has been rendered pursuant to a formal hearing elected under the provisions of this 1970 act, in which event judicial review may be obtained only pursuant to RCW 34.04.130 and RCW 34.04.140. The director shall have the same right of review from a decision made pursuant to section 41 of this 1970 act as does any person.

NEW SECTION. Sec. 49. Within thirty days after the final decision and order of the hearings board upon such an appeal has been

communicated to the interested parties, or within thirty days after an appeal has been denied after an informal hearing, such interested party aggrieved by the decision and order of the hearings board may appeal to the superior court. In all appeals involving a decision or an order of the hearings board after an informal hearing, the petition shall be filed in the superior court for the county of the petitioner's residence or principal place of business, or in the absence of a residence or principal place of business, for Thurston county. Such appeal may be perfected by filing with the clerk of the superior court a notice of appeal, and by serving a copy thereof by mail, or personally on the director, the air pollution control boards or authorities, established pursuant to chapter 70.94 RCW or on the board as the case may be. The hearings board shall serve upon the appealing party, the director, the air pollution control board or authorities established pursuant to chapter 70.94 RCW, or the board, as the case may be, and on any other party appearing at the hearings board's proceeding, and file with the clerk of the court before trial, a certified copy of the hearings board's decision and order. Every appeal from a decision of the superior court shall go directly to the supreme court, notwithstanding RCW 2.06.030. No bond shall be required on appeals to the superior court or on appeals to the supreme court unless specifically required by the judge of the superior court.

NEW SECTION. Sec. 50. Within thirty days after the final decision and order of the hearings board upon such an appeal has been communicated to the interested parties, or within thirty days after an appeal has been denied after a formal hearing, such interested party aggrieved by the decision and order of the hearings board may appeal to the court of appeals pursuant to the provisions of RCW 34-.04.130(6). Such appeal may be perfected by filing with the clerk of the court of appeals a notice of appeal, and by serving a copy thereof by mail, or personally on the director of the department, and on the board. The hearings board shall serve upon the appealing

party, the director, and any other party appearing at the hearings board's proceeding, and file with the clerk of the court before trial, a certified copy of the hearings board's official record which shall include the notice of appeal and other pleadings, testimony and exhibits, and the hearings board's decision and order which shall become the record in such case. No bond shall be required on appeals to the court of appeals or on appeals to the supreme court unless specifically required by the judge of the court of appeals.

NEW SECTION. Sec. 51. When the proceeding is at issue, a hearing will be had only upon demand. Either party may demand a hearing by filing a written request therefor. The demand shall include an estimate of time that will be required to hear the matter. The hearings boards shall thereupon fix the time and place for hearing: PROVIDED, That all hearings shall be commenced within thirty days of the filing of the appeal: PROVIDED, FURTHER, That extensions of time, continuances and adjournments may be ordered by the hearings board only upon motion of all parties, filed in writing and shall not in any case exceed a period greater than six months.

NEW SECTION. Sec. 52. No provision of this chapter shall be construed to change existing law relating to the staying of orders or decisions pending final determination of any hearing or appeal taken in accordance with the provisions herein.

NEW SECTION. Sec. 53. Any person having received notice of a denial of a petition, a notice of determination, notice of or an order made by the department under the provisions of this 1970 amendatory act may appeal, within thirty days from the date of the notice of such denial, order, or determination to the hearings board. The appeal shall be perfected by serving a copy of the notice of appeal upon the department or air pollution authority established pursuant to chapter 70.94 RCW, as the case may be, within the time specified herein and by filing the original thereof with proof of service with the clerk of the hearings board. If the person intends that the hearing before the hearings board be a formal one, the notice of

appeal shall so state. In the event that the notice of appeal does not so state, the hearing shall be an informal one: PROVIDED, HOWEVER, That nothing shall prevent the department or the air pollution authority, as the case may be, within ten days from the date of its receipt of the notice of appeal, from filing with the clerk of the hearings board notice of its intention that the hearing be a formal one.

NEW SECTION. Sec. 54. Notwithstanding any other powers, duties and functions transferred by the provisions of this act, the department shall only have authority to hold public hearings, pursuant to the Administrative Procedure Act, chapter 34.04 RCW, with respect to those matters enumerated in sections of this 1970 amendatory act.

NEW SECTION. Sec. 55. Sections 31 through 54 shall constitute a new chapter in Title 43 RCW.

Sec. 56. Section 25, chapter 238, Laws of 1967 as amended by section 16, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.141 are each amended to read as follows:

The board of any activated authority in addition to any other powers vested in them by law, shall have power to:

(1) Adopt, amend and repeal its own ordinances, resolutions, or rules and regulations, as the case may be, implementing this chapter and consistent with it, after consideration at a public hearing held in accordance with chapter 42.32 RCW.

(2) Hold hearings relating to any aspect of or matter in the administration of this chapter not prohibited by the provisions of chapter ..., (ESB No. 1), Laws of 1970 1st ex. sess. and in connection therewith issue subpoenas to compel the attendance of witnesses and the production of evidence, administer oaths and take the testimony of any person under oath.

(3) Issue such orders as may be necessary to effectuate the purposes of this chapter and enforce the same by all appropriate administrative and judicial proceedings subject to the rights of appeal

as provided in chapter ... (ESB No. 1), Laws of 1970 1st ex. sess..

(4) Require access to records, books, files and other information specific to the control, recovery or release of air contaminants into the atmosphere.

(5) Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise.

(6) Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution within its jurisdiction.

(7) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of this chapter.

(8) Encourage and conduct studies, investigation and research relating to air pollution and its causes, effects, prevention, abatement and control.

(9) Collect and disseminate information and conduct educational and training programs relating to air pollution.

(10) Advise, consult, cooperate and contract with agencies and departments and the educational institutions of the state, other political subdivisions, industries, other states, interstate or interlocal agencies, and the United States government, and with interested persons or groups.

(11) Consult, upon request, with any person proposing to construct, install, or otherwise acquire an air contaminant source or device or system for the control thereof, concerning the efficacy of such device or system, or the air pollution problems which may be related to the source, device or system. Nothing in any such consultation shall be construed to relieve any person from compliance with this chapter, ordinances, resolutions, rules and regulations in force pursuant thereto, or any other provision of law.

(12) Accept, receive, disburse and administer grants or other funds or gifts from any source, including public and private agencies and the United States government for the purpose of carrying out any

of the functions of this chapter.

Sec. 57. Section 34, chapter 238, Laws of 1967 as amended by section 24, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.211 are each amended to read as follows:

Whenever the board or the control officer has reason to believe that any provision of this chapter or any ordinance, resolution, rule or regulation relating to the control or prevention of air pollution has been violated, such board or control officer may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or the ordinance, resolution, rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the board or the control officer may require that the alleged violator or violators appear before the hearings board as provided for in chapter ... (ESB No. 1), Laws of 1970 1st ex. sess. for a hearing pursuant to the provisions of chapter 34.04 RCW as now or hereafter amended, or in addition to or in place of an order or hearing, the hearings board created therein (~~(or control officer)~~) may initiate action pursuant to RCW 70.94.425, 70.94.430, and 70.94.435.

Sec. 58. Section 35, chapter 238, Laws of 1967 as amended by section 25, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.221 are each amended to read as follows:

~~((1))~~ Any order issued by the board or by the control officer, ~~((which is not preceded by a hearing,))~~ shall become final unless ~~((, no later than twenty days after the date the notice and order are served, the person aggrieved by the order petitions for a hearing before the board,-- Upon receipt of the petition, the board shall hold a hearing pursuant to the provisions of chapter 34.04 RCW as now or hereafter amended,~~

~~((2))-- If, after a hearing held as a result of a petition to the board by a person aggrieved by an order, the board finds that a vio-~~

l~~ation has occurred or is occurring, it shall affirm or modify the order previously issued, or if the finding made is that no violation has occurred or is occurring, the order shall be rescinded. If, after a hearing held in lieu of an order, the board finds that a violation has occurred or is occurring, it shall issue an appropriate order or orders for the prevention, abatement or control of the emissions involved or for the taking of such other corrective actions as may be appropriate. Any order issued as part of a notice or after hearing may prescribe the date or dates by which the violation or violations shall cease and may prescribe timetables for necessary action in preventing, abating, or controlling the emissions.~~

~~(3) Any hearings held under this section or under RCW 70.94-181 shall be conducted in accordance with the rules of evidence as set forth in RCW 34.04.100 as now or hereafter amended)~~ such order is appealed to the hearings board as provided in chapter ... (ESB No. 1), Laws of 1970 1st ex. sess. .

Sec. 59. Section 36, chapter 238, Laws of 1967 as amended by section 26, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.222 are each amended to read as follows:

Any order issued by the board after a hearing shall become final unless no later than thirty days after the issuance of such order, ~~((a petition requesting judicial review is filed in accordance with provisions of chapter 34.04 RCW as now or hereafter amended))~~ a notice of appeal is filed with the hearings board as provided in chapter ... (ESB No. 1), Laws of 1970 1st ex. sess. .

Sec. 60. Section 3, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.030 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

- (1) "City" means every incorporated city and town.
- (2) "Committee" means the solid waste advisory committee.
- (3) "Department" means the department of ~~((environmental quality))~~ ecology.

(4) "Director" means the director of the department of (~~en-
viremental-quality~~) ecology.

(5) "Disposal site" means the location where any final treat-
ment, utilization, processing, or depository of solid waste occurs.

(6) "Functional standards" means criteria for solid waste
handling expressed in terms of expected performance or solid waste
handling functions.

(7) "Jurisdictional health department" means city, county,
city-county, or district public health department.

(8) "Person" means individual, firm, association, copartner-
ship, political subdivision, government agency, municipality, indus-
try, public or private corporation, or any other entity whatsoever.

(9) "Solid waste" means all putrescible and nonputrescible
solid and semisolid wastes including garbage, rubbish, ashes, indus-
trial wastes, swill, demolition and construction wastes, abandoned
vehicles or parts thereof, and discarded (~~(home-and-industrial-appli-
ances,-manure,-vegetable-or-animal-solid-and-semisolid-wastes,-and
ether-discarded-materials)~~) commodities.

(10) "Solid waste handling" means the storage, collection,
transportation, treatment, utilization, processing, and final disposal
of solid wastes.

NEW SECTION. Sec. 61. The provisions of this act shall not
impair or supersede the powers or rights of any person, committee,
association, public, municipal or private corporations, state or
local governmental agency, federal agency, or political subdivision
of the state of Washington under any other law except as specifically
provided herein. Pollution control permits, water quality standards,
air pollution permits, air quality standards, and permits for disposal
of solid waste materials of this state are not changed hereby and the
laws governing the same are to be protected and preserved.

NEW SECTION. Sec. 62. Wherever in the statutes of this state,
including any enactment at this 1970 extraordinary session, the de-
partment of environmental quality is referred to such reference shall

mean the state department of ecology created herein.

NEW SECTION. Sec. 63. Sections 1 through 10, 12 through 27, 62 and 64 shall constitute a new chapter in Title 43 RCW and shall be known and cited as the "Environmental Quality Reorganization Act of 1970".

NEW SECTION. Sec. 64. This 1970 amendatory act shall take effect on July 1, 1970.

NEW SECTION. Sec. 65. If any provision of this 1970 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances, shall not be affected.

Passed the Senate February 12, 1970

Passed the House February 12, 1970

Approved by the Governor February 23, 1970, with the exception of certain items in section 17 which are vetoed.

Filed in Office of Secretary of State February 24, 1970

NOTE: Governor's explanation of partial veto is as follows:

"...This bill consolidates the functions of air and water pollution, solid waste disposal and water resources now performed by various state agencies into a new agency, the Department of Ecology. It is one of the most significant pieces of legislation enacted by this legislature. State government is now in a position to provide a more effective environmental protection program for its citizens.

Section 17 of the bill establishes an ecological commission consisting of seven members to be appointed by the governor. Three members are to represent three sections of the economy, labor, business and agriculture. As presented to me for my approval, the governor must make his selection of these three members from a list submitted to him by recognized business, labor and agricultural organizations.

It is my conviction that agencies of state government must be responsive to the people. It is appropriate that the views of these three segments of the economy be represented on the commission, but it is inappropriate for the governor's appointments to be dictated by private interest groups. I have therefore vetoed the provisions restricting the governor's appointments to a list of nominees to be submitted to him.

The sections relating to the hearings board contain certain provisions that are in some respect ambiguous and even inconsistent.

One of the areas where these provisions lack

precision is the scope of review by the hearings board of an order of the director. While these sections do not directly address this important issue, from an examination of the entire bill and its legislative development it is clear that the legislature intended to vest in the director of the department broad resource-management and regulatory powers as well as the equally broad authority to implement these powers. It is not intended that the hearings board should substitute its own judgment for the expertise of the director and his technical staff.

In order to state this more completely and to resolve certain ambiguities and inconsistencies, I intend to submit to the next session of the legislature suggestions for modification and clarification of the hearings board provisions of this act.

With the exception of those certain items in section 17 which I have vetoed for the reasons discussed, the remainder of Senate Bill 1 is approved."

CHAPTER 63

[Engrossed Substitute Senate Bill No. 80]
WASHINGTON STATE PATROL--
DRUG CONTROL ASSISTANCE UNIT

AN ACT Relating to state government; adding new sections to chapter 43.43 RCW; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby created in the Washington state patrol a drug control assistance unit.

NEW SECTION. Sec. 2. The drug control assistance unit shall:

- (1) Provide investigative assistance for the purpose of enforcement of the provisions of chapters 69.32 and 69.40 RCW.
- (2) Provide laboratory services for the purpose of analyzing and scientifically handling any physical evidence relating to any crime.
- (3) Provide training assistance for local law enforcement personnel.

NEW SECTION. Sec. 3. The drug control assistance unit shall:

- (1) Establish a record system to coordinate with all law enforcement agencies in the state a comprehensive system of informa-

tion concerning violations of the narcotic and drug laws.

(2) Provide a communications network capable of interconnecting all offices and investigators of the unit.

NEW SECTION. Sec. 4. In order to maximize the efficiency and effectiveness of state resources, the drug control assistance unit shall, where feasible, use existing facilities and systems.

NEW SECTION. Sec. 5. Any investigators employed pursuant to subsection (1) of section 2 of this act shall be exempt from the state civil service act, chapter 41.06 RCW.

NEW SECTION. Sec. 6. The chief of the Washington state patrol may employ such criminalists, chemists, clerical and other personnel as are necessary for the conduct of the affairs of the drug control assistance unit.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act are added to chapter 8, Laws of 1965 and to chapter 43.43 RCW.

NEW SECTION. Sec. 8. (1) There is hereby created an advisory committee to the Washington state patrol composed of the following persons:

- (a) Chief of the Washington state patrol or his designee;
- (b) The president of the chiefs and sheriffs association or his designee;
- (c) The vice president of the chiefs and sheriffs association or his designee;
- (d) The president of the Washington state narcotic investigation association or his designee;
- (e) The president of the Washington state law enforcement association or his designee;
- (f) The executive secretary of the state board of pharmacy or his designee;
- (g) The director of the office of program planning and fiscal management or his designee.

(2) The advisory committee created herein shall cooperate

with and advise the chief of the state patrol in the administration of this act.

(3) The advisory committee shall review this act and the administration thereof, shall consult with the legislative municipal committee, which committee shall report its recommendations for any changes of assignment of authority or any other matters pertaining to this act to the forty-second session of the legislature of the state of Washington in January, 1971.

NEW SECTION. Sec. 9. To carry out the provisions of this act there is appropriated to the Washington state patrol from the general fund for the biennium ending June 30, 1971, the sum of one hundred fifty thousand dollars, or so much there of as shall be necessary.

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

Passed the Senate February 12, 1970
Passed the House February 12, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 64
[Engrossed Substitute Senate Bill No. 139]
SURFACE MINING

AN ACT Relating to mining; requiring reclamation of surface mining sites; requiring a permit; requiring site inspection; prescribing powers, duties and functions of the board of natural resources in relation thereto; adding a new chapter to Title 76 RCW; prescribing penalties; and providing an effective date.

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

NEW SECTION. Section 1. Sections 2 through 25 of this act shall constitute a new chapter in Title 76 RCW.

NEW SECTION. Sec. 2. The legislature recognizes that the extraction of minerals by surface mining is a basic and essential activity making an important contribution to the economic well-being

of the state and nation. At the same time, proper reclamation of surface mined land is necessary to prevent undesirable land and water conditions that would be detrimental to the general welfare, health, safety, and property rights of the citizens of the state. Surface mining takes place in diverse areas where the geologic, topographic, climatic, biologic, and social conditions are significantly different, and reclamation specifications must vary accordingly. It is not practical to extract minerals required by our society without disturbing the surface of the earth and producing waste materials, and the very character of many types of surface mining operations precludes complete restoration of the land to its original condition. However, the legislature finds that reclamation of surface mined lands as provided in this act will allow the mining of valuable minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.

NEW SECTION. Sec. 3. The purpose of this act is to provide that the usefulness, productivity, and scenic values of all lands and waters involved in surface mining within the state will receive the greatest practical degree of protection and restoration. It is a further purpose of this act to provide a means of cooperation between private and governmental entities in carrying this act into effect.

NEW SECTION. Sec. 4. As used in this act, unless the context indicates otherwise:

(1) "Surface mining" shall mean all or any part of the process involved in mining of minerals by removing the overburden and mining directly from the mineral deposits thereby exposed, including open-pit mining of minerals naturally exposed at the surface of the earth, mining by the auger method, and including the production of surface mining refuse. For the purpose of this act surface mining shall mean those operations described in this paragraph from which more than ten thousand tons of minerals are produced or more than two acres of land is newly disturbed within a period of twelve consecutive calendar months. Surface mining shall not include excavation or

removal of sand, gravel, clay, rock or other materials in remote areas by an owner or holder of a possessory interest in land for the primary purpose of construction or maintenance of access roads to or on such landowner's property. Surface mining shall not include excavation or grading conducted for farming, on-site road construction or other on-site construction, but shall include adjacent or off-site borrow pits except those on landowner's property for use on access roads on such property. Prospecting and exploration activities shall be included within the definition of surface mining when they are of such nature and extent as to exceed the qualifying sized listed above or when collectively they disturb more than one acre per eight acres of land area.

(2) "Unit of surface mined area" shall mean the area of land and water covered by each operating permit that is actually newly disturbed by surface mining during each twelve-month period of time, beginning at the date of issuance of the permit, and shall comprise the area from which overburden and/or minerals have been removed, the area covered by spoil banks, and all additional areas used in surface mining operations which by virtue of such use are thereafter susceptible to excessive erosion.

(3) "Abandonment of surface mining" shall mean a cessation of surface mining, not set forth in an operator's plan of operation or by any other sufficient written notice, extending for more than six consecutive months or when, by reason of examination of the premises or by any other means, it becomes the opinion of the department of natural resources that the operation has in fact been abandoned by the operator: PROVIDED, That the operator does not, within thirty days of receipt of written notification from the department of his intent to declare the operation abandoned, submit evidence to the department's satisfaction that the operation is in fact not abandoned.

(4) "Minerals" shall mean coal, clay, stone, sand, gravel, metallic ore, and any other similar solid material or substance to be excavated from natural deposits on or in the earth for commercial,

industrial, or construction uses.

(5) "Overburden" shall mean the earth, rock, and other materials that lie above a natural deposit of mineral.

(6) "Surface mining refuse" shall mean all waste soil, rock, mineral, liquid, vegetation, and other material directly resulting from or displaced by the mining, cleaning, or preparation of minerals during the surface mining operations on the operating permit area, and shall include all waste materials deposited on or in the permit area from other sources.

(7) "Spoil bank" shall mean a deposit of excavated overburden or mining refuse.

(8) "Operator" shall mean any person or persons, any partnership, limited partnership, or corporation, or any association of persons, either natural or artificial, including every public or governmental agency engaged in surface mining operations, whether individually, jointly, or through subsidiaries, agents, employees, or contractors.

(9) "Department" shall mean the board of natural resources.

(10) "Reclamation" shall mean the reasonable protection of all surface resources subject to disruption from surface mining and rehabilitation of the surface resources affected by surface mining. Although both the need for and the practicability of reclamation will control the type and degree of reclamation in any specific instance, the basic objective will be to reestablish on a continuing basis the vegetative cover, soil stability, water conditions, and safety conditions appropriate to the intended subsequent use of the area.

(11) "Reclamation plan" shall mean the operator's written proposal, as required and approved by the department, for reclamation of the affected resources which shall include, but not be limited to:

(a) A statement of the proposed subsequent use of the land after reclamation and satisfactory evidence that all owners of a possessory interest in the land concur with this proposed use;

(b) Evidence that this subsequent use would not be illegal

under local zoning regulations;

(c) Proposed practices to protect adjacent surface resources;

(d) Specifications for surface gradient restoration to a surface suitable for the proposed subsequent use of the land after reclamation is completed, and proposed method of accomplishment;

(e) Manner and type of revegetation or other surface treatment of disturbed areas;

(f) Method of prevention or elimination of conditions that will create a public nuisance, endanger public safety, damage property, or be hazardous to vegetative, animal, fish, or human life in or adjacent to the area;

(g) Method of control of contaminants and disposal of surface mining refuse;

(h) Method of diverting surface waters around the disturbed areas;

(i) Method of restoration of stream channels and stream banks to a condition minimizing erosion and siltation and other pollution;

(j) Such maps and other supporting documents as reasonably required by the department; and

(k) A time schedule for reclamation that meets the requirements of section 10 of this act.

NEW SECTION. Sec. 5. The board of natural resources is charged with the administration of this act by utilizing the services of the department of natural resources. In order to implement the act's terms and provisions, the department of natural resources, under the provisions of the administrative procedure act (chapter 34-.04 RCW), as now or hereafter amended, may from time to time promulgate those rules and regulations necessary to carry out the purposes of this act. Such rules and regulations, together with the administrative provisions set forth in this act, shall be carried out and enforced by the department, which may establish a separate division within the department for that purpose. The assistant director in charge of this division shall be exempt from the provisions of the

state civil service law in accordance with the terms of RCW 41.06-.070. The staff of the department shall include mining engineers and/or geologists.

NEW SECTION. Sec. 6. This act shall not affect any of the provisions of the state fisheries laws (Title 75 RCW), the state water pollution control laws (Title 90 RCW), the state game laws (Title 77 RCW), or any other state laws, and shall be cumulative and nonexclusive.

NEW SECTION. Sec. 7. The department shall have the authority to conduct or authorize investigations, research, experiments and demonstrations, and to collect and disseminate information relating to surface mining and reclamation of surface mined lands.

NEW SECTION. Sec. 8. The department may cooperate with other governmental and private agencies in this state and other states and agencies of the federal government, and may reasonably reimburse them for any services the department requests that they provide. The department may also receive any federal funds, state funds and any other funds and expend them for reclamation of land affected by surface mining and for purposes enumerated in section 7 of this act.

NEW SECTION. Sec. 9. After the effective date of this act, no operator shall engage in surface mining without having first obtained an operating permit from the department. Except as otherwise permitted in section 9 of this act a separate permit shall be required for each separate surface mining operation. Prior to receiving an operating permit from the department an operator must submit an application on a form provided by the department, which shall contain the following information and any other pertinent data required by the department:

(1) Name and address of the legal landowner, any purchaser of the land under a real estate contract, and the operator and, if any of these are corporations or other business entities, the names and addresses of their principal officers and resident agent for service of process;

(2) Materials to be surface mined;

- (3) Type of surface mining to be performed;
- (4) Expected starting date of surface mining;
- (5) Anticipated termination date of the surface mining project;
- (6) Expected amount of mineral to be surface mined;
- (7) Maximum depth of surface mining;
- (8) Size and legal description of the area that will be disturbed by surface mining. If more than ten acres will be disturbed by surface mining or, regardless of the amount of land to be disturbed, if the department finds that conditions warrant it and so requests, a map of the area to be surface mined shall be submitted. The map shall show the boundaries of the area of land which will be affected; topographic detail; the location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the area; location of proposed access roads to be built in conjunction with the surface mining operation; and the names of the surface and mineral owners of all lands within the surface mining area;
- (9) A plan of surface mining that will provide, within limits of normal operational procedure of the industry, for completion of surface mining and associated disturbances on each segment of the area for which a permit is requested so that reclamation can be initiated at the earliest possible time on those portions of the surface mined area that will not be subject to further disturbance by the mining operation. Whenever feasible, visual screening, vegetative or otherwise, will be maintained or established on the property containing the surface mining to screen the view of the operation from public highways, public parks, and residential areas.
- (10) A reclamation plan that must be acceptable to and approved by the department, except as provided in section 11 of this act. An operator may not depart from an approved plan without having previously obtained from the department written approval of his proposed change.

The department may adopt rules and regulations permitting an

operator of more than one surface mining operation to submit a single application for a combined operating permit covering all of his surface mining operations. Such application may require detailing of information required by section 9 of this act for each separate location. An operator operating under such a combined permit may submit a consolidated reclamation program covering all his operations under rules and regulations prescribed by the department, but may be required to furnish specific information relative to reclamation of any single operating area if the department determines that such is necessary to carry out the purposes of this act.

NEW SECTION. Sec. 10. The reclamation plan shall provide that reclamation activities, particularly those relating to control of erosion, shall, to the extent feasible, be conducted simultaneously with surface mining and in any case shall be initiated at the earliest possible time after completion or abandonment of mining on any segment of the permit area. The plan shall provide that reclamation activities shall be completed not more than two years after completion or abandonment of surface mining on each segment of the area for which a permit is requested.

A reclamation plan will be approved by the department if it adequately provides for the accomplishment of the activities specified in the definition of "reclamation plan", section 4(11) of this act, and meets those of the following minimum standards that are applicable:

(1) Excavations made to a depth not less than two feet below the low groundwater mark, which will result in the establishment of a lake of sufficient area and depth of water to be useful for residential, recreational, game, or wildlife purposes, shall be reclaimed in the following manner:

(a) All banks in soil, sand, gravel, and other unconsolidated materials shall be sloped to two feet below the low groundwater line at a slope no steeper than one and one-half feet horizontal to one foot vertical;

(b) Portions of solid rock banks shall be stepped or other measures be taken to permit a person to escape from the water.

(2) In all other excavations in soil, sand, gravel, and other unconsolidated materials, the side slopes and the slopes between successive benches shall be no steeper than one and one-half feet horizontal to one foot vertical for their entire length.

(3) The sides of all strip pits and open pits in rock and other consolidated materials shall be no steeper than one foot horizontal to one foot vertical, or other precautions must be taken to provide adequate safety.

(4) The slopes of quarry walls in rock or other consolidated materials shall have no prescribed angle of slope, but where a hazardous condition is created that is not indigenous to the immediate area, the quarry shall be either graded or backfilled to a slope of one foot horizontal to one foot vertical or other precautions must be taken to provide adequate safety.

(5) In strip mining operations the peaks and depressions of the spoil banks shall be reduced to a gently rolling topography which will minimize erosion and which will be in substantial conformity with the immediately surrounding land area.

(6) In no event shall any provision of this section be construed to allow stagnant water to collect or remain on the surface mined area. Suitable drainage systems shall be constructed or installed to avoid such conditions if natural drainage is not possible.

(7) All grading and backfilling shall be made with nonnoxious, nonflammable, noncombustible solids unless approval has been granted by the director for a supervised sanitary fill.

(8) In all types of surface mining, in order to prevent water pollution, all acid-forming surface mining refuse shall be disposed of by covering all acid-forming materials with at least two feet of clean fill. The final surface covering shall be graded so that surface water will drain away from the disposal area.

(9) Vegetative cover will be required in the reclamation plan

as appropriate to the future use of the land.

(10) All surface mining that will disturb streams must comply with the requirements of the state fisheries laws (Title 75 RCW), and every application for an operating permit for such operations must have a reclamation plan that shall have been approved by the department of fisheries with regard to operations in streams as required by Title 75 RCW.

NEW SECTION. Sec. 11. Upon receipt of an application for a permit, the surface mining site must be inspected by a representative of the department. Within twenty-five days of receipt of the application and reclamation plan by the department and receipt of the permit fee, the department shall either issue an operating permit to the applicant or return any incomplete or inadequate application to the applicant along with a description of the deficiencies.

Failure to act within the twenty-five day period on the reclamation plan shall not be cause for a denial of a permit. The department shall set the amount of the bond or other security required for a provisional permit governing the surface mining operation set forth in the application. A provisional permit shall be granted pursuant to conditions prescribed by the department until a plan is approved as long as the operator complies with the bond or security requirements established by the department: PROVIDED, HOWEVER, That a provisional permit shall not be granted if the department considers the site unsuitable for surface mining.

If the department refuses to approve a reclamation plan in the form submitted by the operator, it shall notify the operator, in writing, stating the reasons for its refusal and listing such additional requirements to the operator's reclamation plan as are necessary for the approval of the plan by the department. Within thirty days, the operator shall either accept such additional requirements as part of the reclamation plan or file notice of appeal. If notice of appeal is filed by the operator, a provisional permit shall be granted as herein specified.

The operating permit shall be granted for the period required to mine the land covered by the plan and shall be valid until the surface mining authorized by the permit is completed or abandoned, unless the permit is suspended by the department as provided in this act. The operating permit shall provide that the reclamation plan may be modified, after timely notice and opportunity for hearing, at any time during the term of the permit for any of the following reasons:

- (1) To modify the requirements so that they will not conflict with existing laws;
 - (2) The department determines that the previously adopted reclamation plan is clearly impossible or impracticable to implement and maintain;
 - (3) The department determines that the previously adopted reclamation plan is obviously not accomplishing the intent of this act;
- or
- (4) The operator and the department mutually agree to change the reclamation plan.

When one operator succeeds to the interest of another in any uncompleted surface mining operation by sale, assignment, lease, or otherwise, the department may release the first operator from the duties imposed upon him by this act as to such operation: PROVIDED, That both operators have complied with the requirements of this act and the successor operator assumes the duty of the former operator to complete the reclamation of the land, in which case the department shall transfer the permit to the successor operator upon approval of the successor operator's bond as required under this act.

NEW SECTION. Sec. 12. The permit fees required under this act shall be as follows:

- (1) The basic fee for the permit shall be twenty-five dollars per permit year for each separate location, payable with submission of the application and annually thereafter with submission of the report required in section 14 of this act.

(2) In addition, there shall be a five dollar per acre fee for all acreage exceeding ten acres which was newly disturbed by surface mining during the previous permit year, which acreage fee shall be paid at the time of submission of the report required in section 14 of this act.

NEW SECTION. Sec. 13. Upon receipt of an operating permit an operator other than a public or governmental agency shall not commence surface mining until the operator has deposited with the department an acceptable performance bond on forms prescribed and furnished by the department. This performance bond shall be a corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under the provisions of chapter 48.28 RCW and approved by the department. The bond shall be filed and maintained in an amount equal to the estimated cost of completing the reclamation plan for the area to be surface mined during the next twelve-month period and any previously surface mined area for which a permit has been issued and on which the reclamation has not been satisfactorily completed and approved. The department shall have the authority to determine the amount of the bond that shall be required, and for any reason may refuse any bond not deemed adequate. In no case shall the amount of the bond be less than one hundred dollars or more than one thousand dollars per acre or fraction thereof.

The bond shall be conditioned upon the faithful performance of the requirements set forth in this act and of the rules and regulations adopted pursuant thereto.

In lieu of the surety bond required by this section the operator may file with the department a cash deposit, negotiable securities acceptable to the department, or an assignment of a savings account in a Washington bank on an assignment form prescribed by the department.

Liability under the bond shall be maintained as long as reclamation is not completed in compliance with the approved reclamation plan unless released prior thereto as hereinafter provided. Liability
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under the bond may be released only upon written notification from the department. Notification shall be given upon completion of compliance or acceptance by the department of a substitute bond. In no event shall the liability of the surety exceed the amount of the surety bond required by this section.

A public or governmental agency shall not be required to post a bond under the terms of this act.

A blanket performance bond covering two or more surface mining operations may be submitted by an operator in lieu of separate bonds for each separate operation.

NEW SECTION. Sec. 14. Within thirty days after completion or abandonment of mining on an area under permit or within thirty days after each annual anniversary date of the operating permit, whichever is earlier, or at such later date as may be provided by department rules and regulations, and each year thereafter until reclamation is completed and approved, the operator shall file a report of activities completed during the preceding year on a form prescribed by the department, which report shall:

- (1) Identify the operator and permit number;
- (2) Locate the operation by subdivision, section, township, and range, and with relation to the nearest town or other well known geographic feature;
- (3) Estimate acreage to be newly disturbed by surface mining in the next twelve-month period; and
- (4) Update any maps previously submitted or provide such maps as may be specifically requested by the department. Such maps shall show:
 - (a) The operating permit area;
 - (b) The unit of surface mined area;
 - (c) The area to be surface mined during the next twelve-month period;
 - (d) If completed, the date of completion of surface mining;
 - (e) If not completed, the area that will not be further dis-

turbed by the mining operations; and

(f) The date of beginning, amount, and current status of reclamation performed during the previous twelve months. An operator operating under a combined operating permit may submit a single annual report, but such report shall include the data required in section 14 of this act for each separate operating area.

NEW SECTION. Sec. 15. Upon receipt of the operator's report, and at any other reasonable time the department may elect, the department shall cause the permit area to be inspected to determine if the operator has complied with the reclamation plan and the department's rules and regulations.

The operator shall proceed with reclamation as scheduled in his reclamation plan. Following any written notice by the department noting deficiencies, the operator shall commence action within thirty days to rectify these deficiencies and shall diligently proceed until the deficiencies are corrected: PROVIDED, That deficiencies that also violate other laws that require earlier rectification shall be corrected in accordance with the applicable time provisions of such laws. The department may extend performance periods referred to in this section and in section 10 of this act, for delays clearly beyond the operator's control, but only when the operator is, in the opinion of the department, making every reasonable effort to comply.

Within thirty days after notification by the operator and when in the judgment of the department reclamation of a unit of surface mined area is properly completed, the mining operator shall be notified in writing and his bond on said area shall be released or decreased proportionately.

If reclamation of surface mined land is not proceeding in accordance with the reclamation plan and the operator has not commenced action to rectify deficiencies within thirty days after notification by the department, or if reclamation is not properly completed in conformance with the reclamation plan within two years after completion or abandonment of surface mining on any segment of the permit area,

the department is authorized, with the staff, equipment and material under his control, or by contract with others, to take such actions as are necessary for the reclamation of the surface mined areas. The department shall keep a record of all necessary expenses incurred in carrying out any project or activity authorized under this section, including a reasonable charge for the services performed by the state's personnel and the state's equipment and materials utilized.

The department shall notify the operator and his surety by order. The order shall state the amount of necessary expenses incurred by the department in reclaiming the surface mined land and a notice that the amount is due and payable to the department by the operator and the surety.

If the amount specified in the order is not paid within thirty days after receipt of the notice, the attorney general, upon request of the department, shall bring an action on behalf of the state in the superior court for Thurston county or any county in which the persons to whom the order is directed do business to recover the amount specified in the final order of the department. The surety shall be liable to the state to the extent of the bond.

The amount owed the department by the operator for the reclamation performed by the state may be recovered by a lien against the reclaimed property, which may be enforced in the same manner and with the same effect as a mechanic's lien.

In addition to the other liabilities imposed by this act, failure to commence action to rectify deficiencies in reclamation within thirty days after notification by the department or failure satisfactorily to complete reclamation work on any segment of the permit area within two years after completion or abandonment of surface mining on any segment of the permit area shall constitute sufficient grounds for cancellation of a permit and refusal to issue another permit to the delinquent operator until such deficiencies are corrected by the operator.

NEW SECTION. Sec. 16. Any operator conducting surface mining
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within the state of Washington without a valid operating permit shall be guilty of a gross misdemeanor. Each day of operation shall constitute a separate offense.

NEW SECTION. Sec. 17. When the department finds that an operator is conducting surface mining on an area for which a valid operating permit is not in effect, or is conducting surface mining in any manner not authorized by his operating permit or by the rules and regulations adopted by the department, the department may forthwith order such operator to suspend all such operations until compliance is effected or assured to the satisfaction of the department. In the event the operator fails or declines to obey such order, the facts may be reported by the department to the attorney general. The attorney general shall forthwith take the necessary legal action to enjoin, or otherwise cause to be stopped, such conduct of surface mining.

NEW SECTION. Sec. 18. Appeals from determinations made under this act shall be made under the provisions of the administrative procedure act (chapter 34.04 RCW), as now or hereafter amended and shall be considered a contested case within the meaning of the administrative procedure act (chapter 34.04 RCW).

NEW SECTION. Sec. 19. Operators of surface mines in operation on the effective date of this act shall have ninety days thereafter to submit an application for an operating permit. Any such operator who has timely filed an application for an operating permit but for reasons beyond his control has neither received an operating permit nor had his application denied within twenty-five days after his application has been submitted as provided in section 9 of this act, shall have issued to him by the department a temporary operating permit, which, if the applicant is diligently pursuing his application, shall be effective until a regular operating permit is either issued or denied.

NEW SECTION. Sec. 20. All reclamation plans, operators' reports and other required information under this act shall be for the

confidential use of the department which shall by rule or regulation provide for the release thereof to proper interested persons.

V. NEW SECTION. Sec. 21. The provisions of this act shall be administered by the department of natural resources.

NEW SECTION. Sec. 22. This act shall not direct itself to the reclamation of land mined prior to the effective date of this act.

NEW SECTION. Sec. 23. This act shall become effective January 1, 1971.

NEW SECTION. Sec. 24. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances shall not be affected.

Passed the Senate February 12, 1970

Passed the House February 6, 1970

Approved by the Governor February 23, 1970, with the exception of certain items in section 5 and all of section 21, which are vetoed.

Filed in Office of Secretary of State February 24, 1970

NOTE: Governor's explanation of partial veto is as follows:

"...This act provides for the reclamation of surface-mined lands. It is an important part of the program adopted by the 41st Legislature to preserve our environmental resources and scenic beauty.

The fundamental responsibility for its administration is given to the Board of Natural Resources consisting of the commissioner of public lands, the superintendent of public instruction, the deans of the schools of forestry of the University of Washington and Washington State University, and the governor. The staff functions will be performed by the Department of Natural Resources.

Provisions of section 5 and section 21 are inconsistent with this allocation of responsibilities. Thus, these provisions, as now before me, would apparently require the rule-making authority to be delegated to the Department of Natural Resources while the responsibility for the act is assigned to the Board of Natural Resources. It is my belief that the legislature intended to make the Board of Natural Resources responsible for the policies of the act by utilizing the staff and technical ability of the Department of Natural Resources.

Because I believe the citizens of this state are best served by this allocation of functions, I have vetoed certain items from sec-

tion 5 and all of section 21 as they are inconsistent with this concept.

The remainder of the act is approved.

CHAPTER 65
[Engrossed Senate Bill No. 13]
REVENUE AND TAXATION--
EXCISE TAXES--BOARD OF TAX APPEALS

AN ACT Relating to revenue and taxation; amending section 28A.45.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.010; amending section 24A added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 158, Laws of 1935, as last amended by section 3, chapter 21, Laws of 1969 ex. sess. and RCW 66.24.210; adding a new section to chapter 62, Laws of 1933 ex. sess., as last amended by section 3, chapter 21, Laws of 1969 ex. sess. and to chapter 66.24 RCW; amending section 34, chapter 26, Laws of 1967 ex. sess., and RCW 82.03.050; amending section 82.04.290, chapter 15, Laws of 1961, as last amended by section 39, chapter 262, Laws of 1969 ex. sess., and RCW 82.04.290; amending section 82.04.430, chapter 15, Laws of 1961 as last amended by section 11, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.430; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 20, chapter 149, Laws of 1967 ex. sess. and RCW 82.08.030; amending section 82.08.150, chapter 15, Laws of 1961 as last amended by section 11, chapter 21, Laws of 1969 ex. sess. and RCW 82.08.150; amending section 82.12.030; chapter 15, Laws of 1961, as last amended by section 23, chapter 149, Laws of 1967 ex. sess. and RCW 82.12.030; adding a new section to chapter 15, Laws of 1961 and to chapter 82.04 RCW; and declaring an effective date.

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

Section 1. Section 28A.45.010, chapter 223, Laws of 1969 1st ex. sess. and RCW 28A.45.010 are each amended to read as follows:

As used in this chapter, the term "sale" shall have its ordi-

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

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

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

The term sale shall not include a transfer to a corporation which is wholly owned by the transferor, his spouse or his children: PROVIDED, That if such transferee corporation or such transferor, his spouse, or his children voluntarily transfer the property or the stock, as the case may be, within five years of the exchange, excise taxes shall become due and payable on the original transfer as otherwise provided by law.

Sec. 2. Section 34, chapter 26, Laws of 1967 ex. sess. and RCW 42.03.050 are each amended to read as follows:

The board shall operate on either a part time or a full time basis, as determined by the governor. If it is determined that the board shall operate on a full time basis, each member of the board shall receive an annual salary to be determined by the governor. If it is determined that the board shall operate on a part time basis, each member of the board shall receive compensation on the basis of seventy-five dollars per diem for each day spent in performance of his duties: PROVIDED, HOWEVER, That such compensation shall not exceed ~~((seventy-five-hundred))~~ ten thousand dollars in a ~~((calendar))~~ fiscal year. Each board member shall receive reimbursement for travel and other expenses incurred in the discharge of his duties in accordance with RCW 43.03.050.

NEW SECTION. Sec. 3. There is added to chapter 15, Laws of

1961 and to chapter 82.04 RCW a new section to read as follows:

Upon every person engaging within the state as a real estate broker; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of one percent.

The measure of the tax on real estate commissions earned by the real estate broker shall be the gross commission earned by the particular real estate brokerage office including that portion of the commission paid to salesmen or associate brokers in the same office on a particular transaction: PROVIDED, HOWEVER, That where a real estate commission is divided between an originating brokerage office and a cooperating brokerage office on a particular transaction, each brokerage office shall pay the tax only upon their respective shares of said commission: AND PROVIDED FURTHER, That where the brokerage office has paid the tax as provided herein, salesmen or associate brokers within the same brokerage office shall not be required to pay a similar tax upon the same transaction.

Sec. 4. Section 82.04.290, chapter 15, Laws of 1961, as last amended by section 39, chapter 262, Laws of 1969 ex.sess., and RCW 82.04.290 are each amended to read as follows:

Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04-.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270, 82.04.275, section 3 of this 1970 amendatory act and 82.04.280; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of one percent: PROVIDED, That upon and after the effective date of the provisions of ~~((this-amendatory-act))~~ chapter 262, Laws of 1969 ex. sess. which impose a tax upon net income, the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of twenty-two one-hundredths of one percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such

business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

Sec. 5. Section 82.04.430, chapter 15, Laws of 1961 as last amended by section 11, chapter 173, Laws of 1965 ex.sess. and RCW 82.04.430 are each amended to read as follows:

In computing tax there may be deducted from the measure of tax the following items:

(1) Amounts derived by persons, other than those engaging in banking, loan, security, or other financial businesses, from investments or the use of money as such;

(2) Amounts derived from bona fide initiation fees, dues, contributions, donations, tuition fees, charges made for operation of privately operated kindergartens, and endowment funds. This paragraph shall not be construed to exempt any person, association, or society from tax liability upon selling tangible personal property or upon providing facilities or services for which a special charge is made to members or others. Dues which are for, or graduated upon, the amount of service rendered by the recipient thereof are not permitted as a deduction hereunder;

(3) The amount of cash discount actually taken by the purchaser. This deduction is not allowed in arriving at the taxable amount under the extractive or manufacturing classifications with respect to articles produced or manufactured, the reported values of which, for the purposes of this tax, have been computed according to the provisions of RCW 82.04.450;

(4) The amount of credit losses actually sustained by taxpayers whose regular books of account are kept upon an accrual basis;

(5) So much of the sale price of motor vehicle fuel as constitutes the amount of tax imposed by the state or the United States government upon the sale thereof;

(6) Amounts derived from business which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(7) Amounts derived by any person as compensation for the receiving, washing, sorting, and packing of fresh perishable horticultural products and the material and supplies used therein when performed for the person exempted in RCW 82.04.330, either as agent or as independent contractor;

(8) Amounts derived as compensation for services rendered or to be rendered to patients by a hospital, as defined in chapter 70.41, devoted to the care of human beings with respect to the prevention or treatment of disease, sickness, or suffering, when such hospital is operated by the United States or any of its instrumentalities or by the state, or any of its political subdivisions;

(9) Amounts derived as compensation for services rendered to patients by a hospital, as defined in chapter 70.41, which is operated as a nonprofit corporation, nursing homes and homes for unwed mothers operated as religious or charitable organizations, but only if no part of the net earnings received by such an institution inures directly or indirectly, to any person other than the institution entitled to deduction hereunder. In no event shall any such deduction be allowed, unless the hospital building is entitled to exemption from taxation under the property tax laws of this state.

(10) Amounts derived by a political subdivision of the state of Washington from another political subdivision of the state of Washington as compensation for services which are within the purview of RCW 82.04.290.

Sec. 6. Section 82.08.030, chapter 15, Laws of 1961 as last amended by section 20, chapter 149, Laws of 1967 ex. sess. and RCW 82.08.030 are each amended to read as follows:

The tax hereby levied shall not apply to the following sales:

(1) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under chapters 82.04, 82.16 or 82.28: PROVIDED, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

(3) The distribution and newsstand sale of newspapers;

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36: PROVIDED, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12;

(6) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) or (11) of RCW 82.16.010;

(7) Auction sales made by or through auctioneers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise;

(8) Sales to corporations which have been incorporated under any act of the congress of the United States and whose principal pur-

poses are to furnish volunteer aid to members of armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same;

(9) Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(10) Sales of tangible personal property (other than the type referred to in subdivision (11) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce: PROVIDED, That any actual use of such property in this state shall, at the time of such actual use, be subject to the tax imposed by chapter 82.12;

(11) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad cars, or watercraft, and of motor vehicles or trailers used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state, in the course of constructing, repairing, cleaning, altering, or improving the same; also sales of or charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering, or improving;

(12) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce: PROVIDED, That the purchaser must be the holder of a carrier permit issued by the Interstate Commerce Commission and that the vehicles will first move upon the highways of

this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100;

(13) Sales of motor vehicles and trailers to nonresidents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100, or (b) said motor vehicles and trailers will be registered and licensed immediately under the laws of the state of the purchaser's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state;

(14) Sales to nonresidents of this state for use outside of this state of tangible personal property which becomes a component part of any machinery or other article of personal property belonging to such nonresident, in the course of installing, repairing, cleaning, altering, or improving the same and also sales of or charges made for labor and services rendered in respect to any installing, repairing, cleaning, altering, or improving, of personal property of or for a nonresident, but this subsection (14) shall apply only when the seller agrees to, and does, deliver the property to the purchaser at a point outside this state, or delivers the property to a common or bona fide private carrier consigned to the purchaser at a point outside this state;

(15) Sales to nonresidents of this state for use outside of this state of watercraft requiring coast guard registration or registration by the state of principal use according to the Federal Boating Act of 1958, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) an appropriate exemption certi-

ificate supported by identification ascertaining residence as provided by the department of revenue and signed by the purchaser or his agent establishing the fact that the purchaser is a nonresident and that the watercraft is for use outside of this state, one copy to be filed with the department of revenue with the regular report and a duplicate to be retained by the dealer.

(16) Sales of poultry for use in the production for sale of poultry or poultry products.

(17) Sales to nonresidents of this state for use outside of this state of machinery and implements for use in conducting a farming activity, when such machinery and implements will be transported immediately outside the state. As proof of exemption, an affidavit or certification in such form as the department of revenue shall require shall be made for each such sale, to be retained as a business record of the seller.

(18) Sales for use in states, territories and possessions of the United States which are not contiguous to any other state, but only when, as a necessary incident to the contract of sale, the seller delivers the subject matter of the sale to the purchaser or his designated agent at the usual receiving terminal of the carrier selected to transport the goods, under such circumstances that it is reasonably certain that the goods will be transported directly to a destination in such noncontiguous states, territories and possessions.

(19) Sales to municipal corporations, the state, and all political subdivisions thereof, of tangible personal property consumed and/or of labor and services rendered in respect to contracts for watershed protection and/or flood prevention. This exemption shall be limited to that portion of the selling price which is reimbursed by the United States government according to the provisions of the Watershed Protection and Flood Prevention Act, Public Laws 566, as amended;

(20) Sales of semen for use in the artificial insemination of livestock;

(21) Sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the department of revenue a permit certifying (1) that he is a bona fide resident of a state or possession or Province of Canada other than the state of Washington, (2) that such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he does agree, when requested, to grant the department of revenue access to such records and other forms of verification at his place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this subsection must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records which shall show the permit number attributable to each non-taxable sale.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the department of revenue upon payment of a fee of one dollar. The department may in its discretion designate independent agents for the issuance of permits, according to such standards and qualifications as the department may prescribe. Such agents shall pay over and account to the department for all permit fees collected, after deducting as a collection fee the sum of fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his own, or a counterfeit permit, with intent to violate the provisions of this subsection shall be guilty of a misdemeanor and, in addition, may be subject to a penalty

not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be personally liable for the amount of tax due.

(22) Sales of form lumber to any person engaged in the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof.

(23) Sales of, cost of, or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling of sand, gravel and rock when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to sales of, cost of, or charges made for such labor and services, if the sand, gravel, or rock is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(24) Sales of wearing apparel to persons who themselves use such wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(25) Sales of pollen.

(26) Sales to one political subdivision by another political subdivision directly or indirectly arising out of or resulting from

the annexation or incorporation of any part of the territory of one political subdivision by another.

Sec. 7. Section 82.12.030, chapter 15, Laws of 1961 as last amended by section 23, chapter 149, Laws of 1967 ex. sess. and RCW 82.12.030 are each amended to read as follows:

The provisions of this chapter shall not apply:

(1) In respect to the use of any article of tangible personal property brought into the state by a nonresident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three months, and which is not required to be registered or licensed under the laws of this state; or in respect to the use of household goods, personal effects and private automobiles by a bona fide resident of this state, if such articles were acquired and used by such person in another state while a bona fide resident thereof and such acquisition and use occurred more than thirty days prior to the time he entered this state;

(2) In respect to the use of any article of tangible personal property purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 or 82.12 and such tax has been paid by the present user or by his bailor or donor; or in respect to the use of property acquired by bailment and such tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 or 82.12 as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and such original bailment

was prior to June 9, 1961;

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16;

(4) In respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer used in substantial part in the normal and ordinary course of the user's business for transporting therein persons or property for hire across the boundaries of this state if the first use of which within this state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of motor vehicles pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state;

(5) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States;

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36:

PROVIDED, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained shall not be exempt, and the director of motor vehicles shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue;

(7) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by the state or a political subdivision thereof in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82.16.010;

(8) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise;

(9) In respect to the use of tangible personal property by corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same;

(10) In respect to the use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(11) In respect to the use of poultry in the production for sale of poultry or poultry products;

(12) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same;

(13) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to and used exclusively by a school in connection with its driver training program: PROVIDED, That this exemption and the term "school" shall apply only to (a) the University of Washington, Washington State University, the state colleges and the state community colleges or (b) any public, private or parochial school accredited by either the state board of education or by the University of Washington (the state accrediting station) or (c) any public vocational school meeting the standards, courses and requirements established and prescribed or approved in accordance with the Community College Act of 1967 (chapter 8, Laws of 1967 first extraordinary session);

(14) In respect to the use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental and testing activities conducted by the user, provided the acquisition or use of such articles by the bailor was not subject to the taxes imposed by chapter 82.08 or chapter 82.12;

(15) In respect to the use by residents of this state of motor vehicles and trailers acquired and used while such persons are members of the armed services and are stationed outside this state pursuant to military orders, but this exemption shall not apply to members of the armed services called to active duty for training purposes for periods of less than six months and shall not apply to the use of motor vehicles or trailers acquired less than thirty days prior to the discharge or release from active duty of any person from the armed services;

(16) In respect to the use of semen in the artificial insemination of livestock;

(17) In respect to the use of form lumber by any person engaged in the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single

such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof;

(18) In respect to the use of any sand, gravel, or rock to the extent of the cost of or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling such sand, gravel, or rock, when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to the use of such material to the extent of the cost of or charge made for such labor and services, if the material is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(19) In respect to the use of wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(20) In respect to the use of pollen.

(21) In respect to the use of the personal property of one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

Sec. 8. Section 24A added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 158, Laws of 1935, as last amended by section 3, chapter 21, Laws of 1969 ex. sess. and RCW 66.24.210 are each amended to read as follows:

There is hereby imposed upon all wines sold (~~to retail licensees~~) within the state a tax of (~~ten~~) ninety cents per wine gallon:

PROVIDED, HOWEVER, That wine sold or shipped in bulk from one ((deme-
tie)) winery to another ((deme-
tie)) winery shall not be subject to
such gallonage tax. The tax herein provided for may, if so prescribed
by the board, be collected by means of stamps to be furnished by the
board, or by direct payments based on gallonage sales. Every person
selling wine under the provisions of this section shall report all
sales to the board in such manner, at such times and upon such forms
as may be prescribed by the board in accordance with RCW 66.24.230, and
with such report shall pay the tax due from the sales covered by such
report unless the same has previously been paid. If this tax be col-
lected by means of stamps, every such person shall procure from the
board revenue stamps representing the tax in such form as the board
shall prescribe and shall affix the same to the package or container
in such manner and in such denomination as required by the board and
shall cancel the same prior to the delivery of the package or container
V- containing the wine to the purchaser. If the tax is not collected by
means of stamps, the board may require that every such person shall
execute to and file with the board a bond to be approved by the board,
in such amount as the board may fix, securing the payment of the tax.
If any such person fails to pay the tax when due, the board may forth-
with suspend or cancel his license until all taxes are paid.

NEW SECTION. Sec. 9. There is hereby added to chapter 62, Laws
of 1933 ex. sess., as last amended by section 3, chapter 21, Laws of
1969 ex. sess., and to chapter 66.24 RCW, a new section to read as
follows:

There is hereby imposed upon every licensed wine wholesaler who
possesses wine for resale upon which the tax has not been paid under
section 8 of this 1970 amendatory act, a floor stocks tax of eighty
cents per wine gallon on wine in his possession or under his control
on July 1, 1970. Each such wholesaler shall within twenty days after
July 1, 1970, file a report with the Washington state liquor control
board in such form as the board may prescribe, showing the wine pro-
ducts on hand July 1, 1970, converted to gallons thereof and the amount

of tax due thereon. The tax imposed by this section shall be due and payable within twenty days after July 1, 1970, and thereafter bear interest at the rate of one percent per month.

Sec. 10. Section 82.08.150, chapter 15, Laws of 1961 as last amended by section 11, chapter 21, Laws of 1969 ex. sess. and RCW 82.08.150 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits, (~~wine~~) or strong beer in the original package at the rate of ten percent of the selling price, and the term "retail sale" as used herein shall include, in addition to the meaning ascribed thereto in chapter 82.04, any sale for resale to the holder of a class C, class F, class H or combined class C and class F license issued by the Washington state liquor control board (~~(---PROVIDED---That-from-and-after-July-1-1969-the-tax-upon-each-retail-sale-of-wine-under-this-subsection-(i)-shall-be-at-the-rate-of-twenty-six-percent-of-the-selling-price)~~). The tax imposed in this section shall apply to all sales of spirits, (~~wine~~) or strong beer by the Washington state liquor stores and agencies, including sales to licensees (~~(---but-shall-not-apply-to-sales-of-wine-in-the-unopened-bottle-by-licensees-who-have-paid-the-tax-imposed-by-this-subsection-(i)-to-their-vendors-on-the-acquisition-of-such-wine)~~). The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales by the Washington state liquor control board stores and agencies of products subject to the tax imposed by this section.

(2) There is levied and shall be collected from and after the first day of April, 1959, an additional tax upon each retail sale of spirits, or strong beer in the original package at the rate of five percent of the selling price, and the term "retail sale" as used herein shall include the meaning ascribed thereto in chapter 82.04. The additional tax imposed in this paragraph shall apply to the sale of spirits, or strong beer by the Washington state liquor stores and agencies, excluding sales to class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales by the Washington

state liquor control board stores and agencies of products subject to the tax imposed by this paragraph.

(3) There is levied and shall be collected from and after the first day of June, 1965, an additional tax upon each retail sale of spirits in the original package at the rate of two cents per fluid ounce or fraction thereof contained in such original package, and the term "retail sale" as used herein shall include the meaning ascribed thereto in chapter 82.04. The additional tax imposed in this paragraph shall apply to the sale of spirits by the Washington state liquor stores and agencies, including sales to class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales subject to the tax imposed by this paragraph. On or before the twenty-fifth day of each month beginning with the month of July, 1961, the Washington state liquor control board shall remit to the state department of revenue, to be deposited with the state treasurer, all moneys collected by it under this paragraph during the preceding month on sales made and subject to this paragraph. Upon receipt of such moneys the state treasurer shall deposit them in the state general fund and the provisions of RCW 82.08.160 and 82.08.170, and the provisions of chapter 66.08 relating to deposits, apportionment and distribution, shall have no application to the collections under this paragraph.

(4) As used in this section, the terms, "spirits," ("wine,") "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04.

NEW SECTION. Sec. 11. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. This 1970 amendatory act shall take

effect July 1, 1970.

Passed the Senate February 12, 1970

Passed the House February 12, 1970

Approved by the Governor February 23, 1970, with the exception of sections 8, 9, and 10, which are vetoed.

Filed in Office of Secretary of State February 24, 1970

NOTE: Governor's explanation of partial veto is as follows:
"...This bill contains various provisions pertaining to the revenue and tax laws. Sections 8, 9 and 10 make significant changes in the machinery for the collection of taxes upon wines sold within this state. The principal effects of these three sections are to repeal the existing 26% retail sales tax on wine and to replace it with a flat tax of 90 cents a gallon on wine and to impose the 4.5% retail sales tax on all wine sold at retail by the State Liquor Control Board.

With the passage of 1969 of House Bill No. 100 (Chapter 21 of the First Extraordinary Session) major changes in the system for the taxation of wine and the methods of merchandising of wine occurred. That legislation has now been in effect for only a short period of time and it was to be expected that some economic and marketing problems could develop which might require modification of the provisions of House Bill 100. However, I am not satisfied that sections 8, 9 and 10 of Senate Bill No. 13 have received the careful consideration required in order to justify making significant changes in the tax structure on wine created by the 1969 legislative session. Accordingly, I have determined to veto those sections.

The change in tax policy contemplated under Senate Bill No. 13 by the imposing of a flat 90 cents tax on each gallon of wine rather than the 26% tax on the purchase price of wine would lead the state away from the concept of levying taxes on the basis of the ability of the consumer to pay. The effect of these sections of Senate Bill No. 13 would be to increase the purchase price on inexpensive wines which persons of less affluence tend to buy and to reduce the price on expensive wines which persons of greater affluence demand. I am advised that 61% of the entire volume of wines sold by the Liquor Control Board which comprise the less expensive wines will increase in price, 16% will have no change in price and 23% which comprise the more expensive wines will decrease in price. At the very time that the voters of this state are being asked to approve a more equitable tax structure it does not appear appropriate to impose upon consumers the regressive tax structure included in Senate Bill No. 13.

Because House Bill No. 100 has only been in effect for a short period of time, it is not yet possible with any degree of accuracy to measure

the overall fiscal impact which will occur from the major changes in taxation which that bill caused. As a result, the estimates of revenues to be generated by the further changes made by Senate Bill No. 13 cannot be relied upon with any certainty. When the legislature meets again in January of 1971 there should then be available sufficient statistical data to measure adequately the fiscal impact of the current law and the legislature should better be able to determine what changes, if any, are desirable and the fiscal impact of those changes.

The consideration given by the legislature at the short special session just completed to the various ramifications of Senate Bill No. 13 does not appear to have been adequate. For example, the shift from the 26% retail sales tax to a 90 cents gallonage tax would change the applicable formula for the distribution of funds among the units of government entitled to receive wine tax proceeds. This appears to have been an incidental but significant side effect of the passage of Senate Bill No.13. In addition, while the wine tax provisions of Senate Bill No. 13 were intended to cause a tax shift from the more expensive to the less expensive wines, in their final form these provisions will probably also result, in the aggregate, in an increase in the total taxes paid on wines by consumers. Such consequences as these would appear to have been little understood and inadequately considered during the legislative discussions.

A principal motivation for the consideration by the legislature of the wine tax provisions of Senate Bill No. 13 apparently was the claimed financial difficulties which wine distributors are facing in this state. I am asking the Liquor Control Board to consider what steps might be taken through changes in its rules and regulations to provide relief, where appropriate, for the wine distributors. In addition, it is reasonable to expect that if the distributors are, in fact, having serious difficulties that the wineries will provide some means of additional assistance to minimize their problems.

I am confident that with the additional information the legislature will have available in January, 1971, it will be able to address the issues which sections 8, 9 and 10 of Senate Bill No. 13 sought to address and will be able to provide a solution which will more adequately meet the various problems this significant change in taxation would create.

With the exception of sections 8, 9 and 10, the remainder of Engrossed Senate Bill No. 13 is approved.

CHAPTER 66
[Engrossed Senate Bill No. 317]
GOVERNMENT OBLIGATIONS AND ASSESSMENTS--
INTEREST RATES--VALIDATION

AN ACT Relating to state government and the support thereof; amending section 1, chapter 148, Laws of 1967 ex. sess., and RCW 43.83-.090; amending section 3, chapter 192, Laws of 1951 as amended by section 3, chapter 84, Laws of 1963 and RCW 36.88.030; amending section 36.88.140, chapter 4, Laws of 1963 and RCW 36.88.140; and providing for the submission of certain sections of this act to a vote of the people.

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

Section 1. Section 1, chapter 148, Laws of 1967 ex. sess., and RCW 43.83.090 are each amended to read as follows:

For the purpose of providing needed capital improvements for the department of general administration, the institutions of higher education and the department of institutions, the state finance committee is authorized to issue (~~(, at any time prior to January 1, 1972)~~) general obligation bonds of the state of Washington in the sum of sixty-three million fifty-nine thousand dollars or so much thereof as shall be required to finance the capital projects set forth in RCW 43.83.100, to be paid and discharged within twenty years of the date of issuance.

The state finance committee is authorized to prescribe the form of such bonds, the maximum rate of interest the same shall bear, and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof: PROVIDED, That none of the bonds herein authorized shall be sold for less than the par value thereof (~~(, nor shall they bear interest at a rate in excess of six percent per annum)~~).

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under

such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

Sec. 2. Section 3, chapter 192, Laws of 1951 as amended by section 3, chapter 84, Laws of 1963 and RCW 36.88.030 are each amended to read as follows:

In case the board of county commissioners shall desire to initiate the formation of a county road improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed road improvement district and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, (~~stating the average number of units as defined and allowed in RCW 36.88.010 per one thousand feet of property fronting upon the portion of road to be improved,~~) notifying the owners of property therein to appear at a meeting of the board at the time specified in such resolution, and directing the county road engineer to submit to the board at or prior to the date fixed for such hearing a diagram or print showing thereon the lots, tracts and parcels of land and other property which will be specially benefited thereby and the estimated amount of the cost and expense of such improvement to be borne by each lot, tract or parcel of land or other property, and also designating thereon all property which is being purchased under contract from the county. The resolution of intention shall be published in at least two consecutive issues of a newspaper of general circulation in such county, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of county commissioners.

Notice of the adoption of the resolution of intention shall be given each owner or reputed owner of any lot, tract or parcel of land or other property within the proposed improvement district by mailing

said notice to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon at least fifteen days before the date fixed for the public hearing. The notice shall refer to the resolution of intention and designate the proposed improvement district by number. Said notice shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract or parcel, the date and place of the hearing before the board of county commissioners, and shall contain the directions hereinafter provided for voting upon the formation of the proposed improvement district.

The clerk of the board shall prepare and mail, together with the notice above referred to, a ballot for each owner or reputed owner of any lot, tract or parcel of land within the proposed improvement district. This ballot shall contain the following proposition:

"Shall _____ county road improvement district No. _____ be formed?
Yes _____
No _____ "

and, in addition, shall contain appropriate spaces for the signatures of the property owners, and a description of their property, and shall have printed thereon the direction that all ballots must be signed to be valid and must be returned to the clerk of the board of county commissioners not later than five o'clock p.m. of a day which shall be one week after the date of the public hearing.

The notice of adoption of the resolution of intention shall also contain the above directions, and, in addition thereto, shall state the rules by which the election shall be governed.

Sec. 3. Section 36.88.140, chapter 4, Laws of 1963 and RCW 36.88.140 are each amended to read as follows:

The board shall prescribe by resolution within what time such

assessment or installments thereof shall be paid, and shall provide for the payment and collection of interest at a rate not to exceed ((six*)) eight percent per annum on that portion of any assessment which remains unpaid over thirty days after such date. Assessments or installments thereof which are delinquent, shall bear, in addition to such interest, such penalty not less than five percent as shall be prescribed by resolution. Interest and penalty shall be included in and shall be a part of the assessment lien. All liens acquired by the county hereunder shall be foreclosed by the appropriate county officers in the same manner and subject to the same rights of redemption provided by law for the foreclosure of liens held by cities or towns against property in local improvement districts.

NEW SECTION. Sec. 4. In the event all of the bonds authorized by RCW 43.83.090 through RCW 43.83.100, have not been issued on or before September 2, 1970, then sections 1, 4 and 5 of this amendatory act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1970, in accordance with the provisions of section 3, Article VIII of the state constitution; and in accordance with the provisions of section 1, Article II of the state constitution, as amended, and the laws adopted to facilitate the operation thereof.

NEW SECTION. Sec. 5. Amendatory section 1 of this 1970 amendatory act shall not become effective unless sections 1, 4 and 5 of this act are adopted and ratified at the referendum election provided for in section 4 of this act.

NEW SECTION. Sec. 6. All revenue bonds, the issuance of which was authorized or ratified at a general or special election held within the issuing jurisdiction prior to the effective date of this amendatory act or the proposition for the issuance of which will be submitted at such an election pursuant to action of the legislative authority of the issuer taken prior to the effective date of this amendatory act, may be sold and issued with an interest rate or rates

greater than any interest rate restriction contained in the ballot proposition or ordinance or resolution relating to such authorization or ratification.

NEW SECTION. Sec. 7. All debts, contracts and obligations heretofore made or incurred by or in favor of the state, state agencies, state colleges and universities, and the political subdivisions, municipal corporations and quasi municipal corporations of this state, are hereby declared to be legal and valid and of full force and effect from the date thereof, regardless of the interest rate borne by any such debts, contracts and obligations.

Passed the Senate February 12, 1970
Passed the House February 6, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 67
[Engrossed Senate Bill No. 318]
BONDS, WATER POLLUTION CONTROL FACILITIES--
INTEREST RATE

AN ACT Relating to state government and the support thereof,
amending section 1, chapter 106, Laws of 1967 and
RCW 90.50.010; and providing for submission of this
act to a vote of the people.

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

Section 1. Section 1, chapter 106, Laws of 1967 and RCW 90.50-.010 are each amended to read as follows:

For the purpose of providing state matching funds to assist public bodies in the construction and improvement of water pollution control facilities the state finance committee is hereby authorized to issue (~~any-time-prior-to-January-17-1971~~) general obligation bonds of the state of Washington in the sum of twenty-five million dollars to be paid and discharged within twenty years of the date of issuance.

The state finance committee is authorized to prescribe the form of such bonds, the maximum rate of interest the same shall bear, and the time of sale of all or any portion or portions of such bonds,

and the conditions of sale and issuance thereof: PROVIDED, That none of the bonds herein authorized shall be sold for less than the par value thereof (~~(, nor shall they bear interest at a rate in excess of six percent per annum)~~).

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the interest and principal when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

NEW SECTION. Sec. 2. In the event all of the bonds authorized by RCW 90.50.010 through 90.50.080 and 90.50.900, have not been issued on or before September 2, 1970, then this 1970 amendatory act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1970, in accordance with the provisions of section 3, Article VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution as amended, and the laws adopted to facilitate the operation thereof.

NEW SECTION. Sec. 3. Section 1 of this 1970 amendatory act shall not become effective unless this act is adopted and ratified at the referendum election provided for in section 2 of this 1970 amendatory act.

Passed the Senate February 12, 1970
Passed the House February 6, 1970
Approved by the Governor February 20, 1970
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CHAPTER 68
[Engrossed House Bill No. 46]
WASHINGTON PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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

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

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

(1) "Index" for purposes of this section, shall mean, for any calendar year, that year's annual average consumer price index for urban wage earners and clerical workers, all items (1957-1959 equal one hundred)-- compiled by the Bureau of Labor Statistics, United States Department of Labor.

(2) "Prior pension" shall mean the pension portion of any service retirement allowance computed and payable, under the pre March 25, 1969 provisions of RCW 41.40.190 or 41.40.290, including all options described therein, to any beneficiary based upon an effective retirement date which is prior to April 1, 1969;

(3) Effective July 1, 1970, every prior pension which is then being paid to any retired member or his designated beneficiary shall be adjusted to that dollar amount which bears the ratio to its original dollar amount which the retirement board finds to exist between the index for 1969 and the index for the calendar year prior to the effective retirement date of the person to whom, or on behalf of whom, such retirement allowance is being paid.

Passed the House January 30, 1970
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CHAPTER 69
[House Bill No. 63]
MUNICIPAL ASSOCIATIONS--
RECOMMENDATIONS TO LEGISLATURE

AN ACT Relating to municipal corporations and other public agencies.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. It is the purpose of this act to assist the legislature in obtaining adequate information as to the needs of its municipal corporations and other public agencies and their recommendations for improvements.

NEW SECTION. Sec. 2. It shall be the duty of each association of municipal corporations or municipal officers, which is

recognized by law and utilized as an official agency for the coordination of the policies and/or administrative programs of municipal corporations, to submit biennially, or oftener as necessary, to the governor and to the legislature the joint recommendations of such participating municipalities regarding changes which would affect the efficiency of such municipal corporations. Such associations shall include but shall not be limited to the Washington state association of fire commissioners, the Washington state association of water districts, the Washington state association of sewer districts, and the Washington state school directors' association.

NEW SECTION. Sec. 3. The intent of this act is to clarify and implement the powers of the public agencies to which it relates and nothing herein shall be construed to impair or limit the existing powers of any municipal corporation or association.

Passed the House January 30, 1970
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CHAPTER 70
[House Bill No. 66]
IRRIGATION DISTRICT IMPROVEMENT DISTRICTS

AN ACT Relating to irrigation district improvement districts; amending section 11, chapter 162, Laws of 1917 as amended by section 26, chapter 129, Laws of 1921 and RCW 87.03.485; amending section 12, chapter 162, Laws of 1917 as last amended by section 27, chapter 129, Laws of 1921 and RCW 87.03.490; amending section 13, chapter 162, Laws of 1917 as last amended by section 1, chapter 68, Laws of 1957 and RCW 87.03.495; amending section 14, chapter 162, Laws of 1917 as amended by section 29, chapter 129, Laws of 1921 and RCW 87.03.500; amending section 1, chapter 128, Laws of 1935 and RCW 87.03.505; amending section 2, chapter 128, Laws of 1935 and RCW 87.03.510; amending section 17, chapter 180, Laws of 1919 and RCW 87.03-.525; and adding a new section to chapter 87.03 RCW.

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

Section 1. Section 11, chapter 162, Laws of 1917 as amended by section 26, chapter 129, Laws of 1921 and RCW 87.03.485 are each amended to read as follows:

In the event that the said board shall approve said petition, the board shall fix a time and place for the hearing thereof and shall publish a notice once a week for two consecutive weeks preceding the date of such hearing and the last publication shall not be more than seven days before such date. Such notice must be published in a newspaper of general circulation in each county in which any portion of the land proposed to be included in such local improvement district lies. Such notice shall state that the lands within said described boundaries are proposed to be organized as a local improvement district, stating generally the nature of the proposed improvement; that bonds for such local improvement district are proposed to be issued as the bonds of the irrigation district, or that a contract is proposed to be entered into between the district and the United States or the state of Washington, or both, that the lands within said local improvement district are to be assessed for such improvement and stating a time and place of hearing thereon. At the time and place of hearing named in said notice, all persons interested may appear before the board and show cause for or against the formation of the proposed improvement district and the issuance of bonds or the entering into of a contract as aforesaid. Upon the hearing the board shall determine as to the establishment of the proposed local improvement district. Any landowner whose lands can be served or will be benefited by the proposed improvement, may make application to the board at the time of hearing to include such land and the board of directors in such cases shall, at its discretion, include such lands within such district. The board of directors may exclude any land specified in said notice from said district provided, that in the judgment of the board, the inclusion thereof will not be practicable.

As an alternative plan and subject to all of the provisions of
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this chapter, the board of directors may initiate the organization of a local improvement district as herein provided. To so organize a local improvement district the board shall adopt and record in its minutes a resolution specifying the lands proposed to be included in such local improvement district or by describing the exterior boundaries of such proposed district or by both. Said resolution shall state generally the plan, character and extent of the proposed improvements, that the land proposed to be included in such improvement district will be assessed for such improvements; that coupon bonds of the irrigation district will be issued or a contract entered into as hereinabove in this section provided to meet the cost thereof and that such bonds or contract will be a primary obligation of such local improvement district and a general obligation of the irrigation district. Said resolution shall fix a time and place of hearing thereon and shall state that unless a majority of the holders of title or of evidence of title to lands within the proposed local improvement district file their written protest at or before said hearing, consent to the improvement will be implied.

A notice containing a copy of said resolution must be published once a week for two consecutive weeks preceding the date of such hearing and the last publication shall not be more than seven days before such date and the hearing thereon shall not be held in less than twenty days from the adoption of such resolution. Such notice must be published in one newspaper, of general circulation, in each county in which any portion of the land proposed to be included in such local improvement district lies. Said hearing shall be held and all subsequent proceedings conducted in accordance with the provisions of this act relating to the organization of local improvement districts initiated upon petition.

Sec. 2. Section 12, chapter 162, Laws of 1917 as last amended by section 27, chapter 129, Laws of 1921 and RCW 87.03.490 are each amended to read as follows:

If decision shall be rendered in favor of the improvement,
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the board shall enter an order establishing the boundaries of the said improvement district and shall adopt plans for the proposed improvement and determine the number of annual installments not exceeding (~~fifteen~~) fifty in which the cost of said improvement shall be paid. The cost of said improvement shall be provided for by the issuance of local improvement district coupon bonds of the district from time to time, therefor, either directly for the payment of the labor and material or for the securing of funds for such purpose, or by the irrigation district entering into a contract with the United States or the state of Washington, or both, to repay the cost of said improvement. Said bonds shall bear interest at a rate not to exceed eight percent per annum, payable semi-annually, evidenced by coupons, and shall state upon their face that they are issued as bonds of the irrigation district; that all lands within said local improvement district shall be primarily liable to assessment for the principal and interest of said bonds and that said bonds are also a general obligation of the said district. No bonds shall be issued in denomination exceeding one thousand dollars and no bond shall be sold for less than par. Any contract entered into for said local improvement by the district with the United States or the state of Washington, or both although all the lands within said local improvement district shall be primarily liable to assessment for the principal and interest thereon, shall be a general obligation of the irrigation district.

No election shall be necessary to authorize the issuance of such local improvement bonds or the entering into of such a contract. Such bonds, when issued, shall be signed by the president and secretary of the irrigation district with the seal of said district affixed and shall be registered by the treasurer of the irrigation district with his seal affixed.

The proceeds from the sale of such bonds shall be deposited with the treasurer of the district, who shall place them in a special fund designated "Construction fund of local improvement district

number

Whenever such improvement district has been organized, the boundaries thereof may be enlarged to include other lands which can be served or will be benefited by the proposed improvement upon petition of the owners thereof and the consent of the United States or the state of Washington, or both, in the event the irrigation district has contracted with the United States or the state of Washington, or both, to repay the cost of the improvement: PROVIDED, That at such time the lands so included shall pay their equitable proportion upon the basis of benefits of the improvement theretofore made by the said local improvement district and shall be liable for the indebtedness of the said local improvement district in the same proportion and same manner and subject to assessment as if said lands had been incorporated in said improvement district at the beginning of its organization.

Sec. 3. Section 13, chapter 162, Laws of 1917, as last amended by section 1, chapter 68, Laws of 1957 and RCW 87.03.495 are each amended to read as follows:

The cost of the improvement and of the operation and maintenance thereof, if any, shall be especially assessed against the lands within such local improvement district in proportion to the benefits accruing thereto, and shall be levied and collected in the manner provided by law for the levy and collection of land assessments or toll assessments or both such form of assessments.

All provisions for the assessment, equalization, levy and collection of assessments for irrigation district purposes shall be applicable to assessments for local improvements except that no election shall be required to authorize said improvement or the expenditures therefor or the bonds issued to meet the cost thereof or the contract authorized in section 1 of this 1970 amendatory act to repay the cost thereof. Assessments when collected by the county treasurer for the payment for the improvement of any local improvement district shall constitute a special fund to be called "bond

redemption or contract repayment fund of local improvement district No."

Bonds issued under this chapter shall be eligible for disposal to and purchase by the director of the department of conservation and development under the provisions of the state reclamation act.

The cost or any unpaid portion thereof, of any such improvement, charged or to be charged or assessed against any tract of land may be paid in one payment under and pursuant to such rules as the board of directors may adopt, and all such amounts shall be paid over to the county treasurer who shall place the same in the appropriate fund. No such payment shall thereby release such tract from liability to assessment for deficiencies or delinquencies of the levies in such improvement district until all of the bonds or the contract, both principal and interest, issued or entered into for such local improvement district have been paid in full. The receipt given for any such payment shall have the foregoing provision printed thereon. The amount so paid shall be included on the annual assessment roll for the current year, provided, such roll has not then been delivered to the treasurer, with an appropriate notation by the secretary that the amount has been paid. If the roll for that year has been delivered to the treasurer then the payment so made shall be added to the next annual assessment roll with appropriate notation that the amount has been paid.

Sec. 4. Section 14, chapter 162, Laws of 1917 as amended by section 29, chapter 129, Laws of 1921 and RCW 87.03.500 are each amended to read as follows:

In the event of the failure of the lands within the local improvement district to furnish money sufficient for the payment of principal or interest of the bonds or the contract as provided for in section 1 of this 1970 amendatory act for such local improvement work and there shall be a default in the payment of principal or interest as aforesaid, the amount delinquent shall be paid by the general

warrants of the irrigation district at large or, in the event of a contract, by whatever means of payment is called for thereunder, but the lands of the local improvement district shall not thereby become released from liability for special assessment therefor. Such warrants, if issued, shall be redeemed as soon as there shall be available money in the bond redemption fund of the local improvement district.

Sec. 5. Section 1, chapter 128, Laws of 1935 and RCW 87.03.501 are each amended to read as follows:

Whenever, by reason of the sale of land within a local improvement district for unpaid taxes or assessments, or for any other reason, it may appear apparent that the remaining lands within any such local improvement district are and will be unable to pay out the cost of such improvement or the bond issue or contract indebtedness therefor, the landowners of the local improvement district may petition the directors of the irrigation district or the directors of the district may upon their own initiative, and either upon receipt of such petition or the passing of such resolution the directors of the irrigation district shall cause a complete survey to be made of the affairs of the local improvement district pertaining to the payment of the cost of said improvement, and shall determine the amount of property remaining in the hands of private owners that is still subject to assessment for the improvement, the amount of land standing in the name of the district which is subject to assessment for said improvement and the amount of any lands which may have been entirely removed from the liability of any such assessments, and such other and pertinent data as may be necessary, in order to determine the ability of said remaining private property to pay the remaining balance of the cost of said improvement, and if as a result thereof it shall appear that the remaining private property will be unable to pay the said remaining cost of the improvement, the said board of directors shall determine what amount and to what extent the remaining private property will be able to equitably pay on the cost

of said improvement which shall include the privately owned property and district owned property and such remaining portion of the cost of said improvement which the directors find said land can equitably pay and in such amounts as in the judgment of the directors shall appear equitable after taking all circumstances into consideration, shall be assessed against the lands within such local improvement district and shall be levied and collected in the manner as in this act provided for the assessment and collection of construction costs and shall be payable over a period of not more than twenty years. Notwithstanding all provisions in this chapter contained for the assessment, equalization, levy and collection of assessments no election shall be required to authorize the issue of bonds or the entering into a contract to cover the cost thereof. Assessments when collected by the county treasurer for the payment shall constitute a special fund to be called "bond redemption or contract repayment fund of local improvement district No."

The costs or any unpaid portion thereof, of any such assessment, charged or to be charged or assessed against any tract of land may be paid in one payment by the owner or by any one acting for such owner, under and pursuant to such rules as the board of directors may adopt, and all such amounts shall be paid to the county treasurer who shall place the same in the appropriate fund. Upon the payment in full of the amount charged or to be charged or assessed against any particular tract of land, said tract of land shall be thereupon entirely, fully and finally released of any and all further liability by reason of such improvement and the amount charged or to be charged and assessed against each tract of land as designated by said board shall be the limit of the liability of said tract of land for the costs of said improvement, except insofar as said land may be additionally liable by reason of being within the irrigation district and being liable for its portion of the general obligation of the district. The determination of the amount charged or to be charged or assessed against any tract of land may

be appealed by the owner of said tract from the decision of the board of directors to the superior court of the county in which the property is located at any time within twenty days from the date of the passage of a resolution by the board of directors with reference thereto: PROVIDED, HOWEVER, That in the event said irrigation district shall have borrowed or have an application on file for the borrowing of money from the reconstruction finance corporation, or its successor, or has entered into a contract with the United States or the state of Washington, or both, then in that event before any such reassessment shall be made it shall first receive the approval of said reconstruction finance corporation, or its successor or the United States or the state of Washington, or both, as the case may be.

Sec. 6. Section 2, chapter 128, Laws of 1935 and RCW 87.03-.510 are each amended to read as follows:

There is hereby established for each irrigation district in this state having local improvement districts therein a fund for the purpose of guaranteeing to the extent of such fund and in the manner herein provided, the payment of its local improvement bonds and warrants issued or contract entered into to pay for the improvements provided for in this act. Such fund shall be designated "local improvement guarantee fund" and for the purpose of maintaining the same, every irrigation district shall hereafter levy from time to time, as other assessments are levied, such sums as may be necessary to meet the financial requirements thereof: PROVIDED, That such sums so assessed in any year shall not be more than sufficient to pay the outstanding warrants or contract indebtedness on said fund and to establish therein a balance which shall not exceed five percent of the outstanding obligations thereby guaranteed. Whenever any bond or interest coupon or contract payment of any local improvement district shall become due and there is insufficient funds in the local improvement district fund for the payment thereof, there shall be paid from said local improvement district guarantee fund, by warrant

or by such other means as is called for in the contract, a sufficient amount, which together with the balance in the local improvement district fund shall be sufficient to redeem and pay said bond or coupon or contract payment in full. Said warrants against said guarantee fund shall draw interest at a rate not to exceed six percent and said bonds and coupons shall be paid in their order of presentation. Whenever there shall be paid out of the guarantee fund any sum on account of principal or interest of a local improvement bond or warrant or contract the irrigation district, as trustee for the fund, shall be subrogated to all of the rights of the holder of the bond or interest coupon or contract amount so paid, and the proceeds thereof, or of the assessment underlying the same shall become part of the guarantee fund. There shall also be paid into such guarantee fund any interest received from bank deposits of the fund, as well as any surplus remaining in any local improvement district fund, after the payment of all of its outstanding bonds or warrants or contract indebtedness which are payable primarily out of such local improvement district fund.

Sec. 7. Section 17, chapter 180, Laws of 1919 and RCW 87.03-.525 are each amended to read as follows:

Any local improvement district heretofore duly organized may avail itself of and be subject to any of the provisions of this chapter increasing the number of annual installments, not to exceed (~~fifteen~~) fifty, after the directors of the irrigation district duly adopt a resolution to that effect, and it shall be the duty of the board of directors to adopt such resolution whenever in the judgment of the board the best interests of the local improvement district will be served thereby, and the interests of the irrigation district will not be jeopardized.

NEW SECTION. Sec. 8. There is added to chapter 87.03 RCW a new section to read as follows:

In lieu of the issuance of local improvement district coupon bonds or the entering into a contract with the United States or the

state of Washington, or both, to secure the funds for or to repay the cost of any improvement to be charged, in whole or in part, against any local improvement district organized pursuant to this chapter, any irrigation district may finance the cost of said local improvement with any general district funds which may be available for said purpose and provide, in such manner as the district's directors may determine, for the repayment, with or without interest as the district's directors determine, through assessments against the lands in the local improvement district levied in the same manner authorized by this chapter, of said general district moneys thus advanced.

Passed the House January 30, 1970
Passed the Senate February 5, 1970
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CHAPTER 71
[House Bill No. 126]
IRRIGATION AND RECLAMATION DISTRICTS--
UNITS--SUBDIVISIONS

AN ACT Relating to irrigation and reclamation districts; and amending section 4, chapter 275, Laws of 1943 as last amended by section 1, chapter 3, Laws of 1963 and RCW 89.12.040.

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

Section 1. Section 4, chapter 275, Laws of 1943 as last amended by section 1, chapter 3, Laws of 1963 and RCW 89.12.040 are each amended to read as follows:

In connection with a district contracting or intending to contract with the United States under this chapter, the secretary for the purpose of administering the federal reclamation laws and of providing for the delivery of water thereto, the method thereof, and the turnout therefor may segregate such lands, or any part thereof, into ~~((§a*))~~ units and/or legal subdivisions, having in mind the character of soil, topography, method or methods of irrigation best suited therefor, location with respect to the irrigation system, type of irrigation system, and such other relevant factors as enter into the determination of the area and boundaries thereof and the method

1970 1st ex. sess. (41st Legis. 2nd ex. sess.) Ch. 71, 7:
or methods of irrigating the same. Plats or revisions thereof show-
ing the ((established-farm)) units ((ex-revisions-thereof)) and/or
the legal subdivisions and the exclusive method or methods of irri-
gating such units and/or legal subdivisions or portions thereof when
approved, may be filed by the United States for record with the audi-
tor of the county in which the land is located. Lands in excess of
the acreage in the amount specified by applicable federal law as not
being excess lands held by any one landowner shall be deemed excess
land.

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CHAPTER 72
[Engrossed House Bill No. 293]
EXPLOSIVES

AN ACT Relating to explosives; amending section 1, chapter 111, Laws
of 1931 as amended by section 3, chapter 137, Laws of 1969 ex.
sess. and RCW 70.74.010; amending section 4, chapter 111, Laws
of 1931 and RCW 70.74.040; amending section 18, chapter 137,
Laws of 1969 ex. sess. and RCW 70.74.135; amending section 6,
chapter 137, Laws of 1969 and RCW 70.74.201; amending section
5, chapter 101, Laws of 1941 as amended by section 17, chapter
137, Laws of 1969 ex. sess. and RCW 70.74.240; amending section
30, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.340;
and repealing section 130, chapter 36, Laws of 1917 as last
amended by section 22, chapter 137, Laws of 1969 ex. sess.
and RCW 78.40.491.

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

Section 1. Section 1, chapter 111, Laws of 1931 as amended by
section 3, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.010 are
each amended to read as follows:

As used in this chapter, unless a different meaning is plainly
required by the context:

The terms "authorized", "approved" or "approval" shall be held

to mean authorized, approved or approval by the department of labor and industries.

The term "blasting agent" shall be held to mean and include any material or mixture consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive, and in which none of the ingredients are classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated when unconfined by means of a No. 8 test blasting cap.

The term "explosive" or "explosives" whenever used in this chapter, shall be held to mean and include any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb. In addition, the term "explosives" shall include all material which is classified as class A, class B and class C explosives by the federal department of transportation: PROVIDED, That for the purposes of this act small arms ammunition, small arms ammunition primers, smokeless powder not exceeding fifty pounds and black powder not exceeding five pounds shall not be defined as explosives.

Classification of explosives shall include but not be limited to the following:

CLASS A EXPLOSIVES: (Possessing detonating hazard) dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder exceeding five pounds, blasting caps, and detonating primers.

CLASS B EXPLOSIVES: (Possessing flammable hazard) propellant explosives, including smokeless propellants exceeding fifty pounds.

CLASS C EXPLOSIVES: (Including certain types of manufactured

articles which contain class A or class B explosives, or both, as components but in restricted quantities).

The term "explosive-actuated power devices" shall be held to mean any tool or special mechanized device which is actuated by explosives, but not to include propellant-actuated power devices.

The term "magazine", shall be held to mean and include any building or other structure, other than a factory building, used for the storage of explosives.

The term "inhabited building", shall be held to mean and include only a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store or other building where people are accustomed to assemble, other than any building or structure occupied in connection with the manufacture, transportation, storage or use of explosives.

The term "explosives manufacturing plant" shall be held to mean and include all lands, with the buildings situated thereon, used in connection with the manufacturing or processing of explosives or in which any process involving explosives is carried on, or the storage of explosives thereat, as well as any premises where explosives are used as a component part or ingredient in the manufacture of any article or device.

The term "explosives manufacturing building", shall be held to mean and include any building or other structure (excepting magazines) containing explosives, in which the manufacture of explosives, or any processing involving explosives, is carried on, and any building where explosives are used as a component part or ingredient in the manufacture of any article or device.

The term "railroad" shall be held to mean and include any steam, electric or other railroad which carries passengers for hire.

The term "highway" shall be held to mean and include any public street, public alley or public road.

The term "efficient artificial barricade" shall be held to mean an artificial mound or properly revetted wall of earth of a

minimum thickness of not less than three feet or such other artificial barricade as approved by the department of labor and industries.

The term "person" shall be held to mean and include any individual, firm, copartnership, corporation, company, association, joint stock association, and including any trustee, receiver, assignee or personal representative thereof.

The term "dealer" shall be held to mean and include any person who purchases explosives or blasting agents for the sole purpose of resale, and not for use or consumption.

The term "forbidden or not acceptable explosives" shall be held to mean and include explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway or water in accordance with the regulations of the federal department of transportation.

The term "handloader" shall be held to mean and include any person who engages in the noncommercial assembling of small arms ammunition for his own use, specifically the operation of installing new primers, powder and projectiles into cartridge cases.

The term "handloader components" means small arms ammunition, small arms ammunition primers, smokeless powder not exceeding fifty pounds and black powder as used in muzzle loading firearms not exceeding five pounds.

The term "fuel" shall be held to mean and include a substance which may react with the oxygen in the air or with the oxygen yielded by an oxidizer to produce combustion.

The term "motor vehicle" shall be held to mean and include any self-propelled automobile, truck, tractor, semi-trailer or full trailer, or other conveyance used for the transportation of freight.

The term "natural barricade" shall be held to mean and include any natural hill, mound, wall or barrier composed of earth or rock or other solid material of a minimum thickness of not less than three feet.

The term "oxidizer" shall be held to mean a substance that

yields oxygen readily to stimulate the combustion of organic matter or other fuel.

The term "propellant-actuated power device" shall be held to mean and include any tool or special mechanized device or gas generator system which is actuated by a propellant or which releases and directs work through a propellant charge.

The term "public conveyance" shall be held to mean and include any railroad car, streetcar, ferry, cab, bus, airplane or other vehicle which is carrying passengers for hire.

The term "public utility transmission system" shall mean power transmission lines over 10 KV((A)), telephone cables, or microwave transmission systems, or buried or exposed pipelines carrying water, natural gas, petroleum or crude oil, or refined products and chemicals, whose services are regulated by the utilities and transportation commission, municipal or other publicly owned systems.

The term "purchaser" shall be held to mean any person who buys, accepts or receives any explosives or blasting agents.

The term "pyrotechnics" shall be held to mean and include any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects which are commonly referred to as fireworks.

The term "small arms ammunition" shall be held to mean and include any shotgun, rifle, pistol or revolver cartridge, and cartridges for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive bursting charges, incendiary, tracer, spotting or pyrotechnic projectiles is excluded from this definition.

The term "small arms ammunition primers" shall be held to mean small percussion-sensitive explosive charges encased in a cup, used to ignite propellant powder and shall include percussion caps as used in muzzle loaders.

The term "smokeless propellants" shall be held to mean and include solid chemicals or solid chemical mixtures in excess of fifty

pounds which function by rapid combustion.

The term "user" shall be held to mean and include any natural person, manufacturer, or blaster who acquires, purchases, or uses explosives as an ultimate consumer or who supervises such use.

Words used in the singular number shall include the plural, and the plural the singular.

Sec. 2. Section 4, chapter 111, Laws of 1931 and RCW 70.74-.040 are each amended to read as follows:

No quantity in excess of three hundred thousand pounds, or ~~((in-the-case-of-blasting-caps-no-number-in-excess-of-twenty-million caps))~~, the equivalent in blasting caps shall be had, kept or stored in any factory building or magazine in this state.

Sec. 3. Section 18, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.135 are each amended to read as follows:

All persons desiring to purchase explosives except ~~((small-arms ammunition-and-smokeless-propellants))~~ handloader components shall apply to the department of labor and industries for a license. Said application shall state, among other things:

- (1) The location where explosives are to be used;
- (2) The kind and amount of explosives to be used;
- (3) The name and address of the applicant;
- (4) The reason for desiring to use explosives;
- (5) The citizenship of the applicant if the applicant is an individual;
- (6) If the applicant is a partnership, the names and addresses of the partners and their citizenship;
- (7) If the applicant is an association or corporation, the names and addresses of the officers and directors thereof and their citizenship; and
- (8) Such other pertinent information as the director of the department of labor and industries shall require to effectuate the purpose of this chapter.

The department of labor and industries shall issue the license
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applied for unless the department finds that either the applicant or any of the officers, agents or employees of the applicant are not sufficiently experienced in the use of explosives, lack suitable facilities therefor, have been convicted of a crime involving moral turpitude, or are disloyal to the United States. Said license may be canceled for any cause that would prevent the initial issuance thereof; or for any violation of this chapter.

Sec. 4. Section 5, chapter 101, Laws of 1941 as amended by section 17, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.240 are each amended to read as follows:

No dealer shall sell, barter, give or dispose of explosives to any person who does not hold a license to ~~((possess))~~ purchase explosives issued under the provisions of this chapter.

Sec. 5. Section 6, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.201 are each amended to read as follows:

This chapter shall not affect, modify or limit the power of a city, municipality or county in this state to make an ordinance that is more stringent than this chapter which is applicable within their respective corporate limits or boundaries: PROVIDED, That the state shall be deemed to have preempted the field of regulation of small arms ammunition and handloader components.

Sec. 6. Section 30, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.340 are each amended to read as follows:

Quantities of small arms smokeless propellant (class B) in shipping containers approved by the federal department of transportation not in excess of fifty pounds may be transported in a private vehicle.

Quantities in excess of twenty-five pounds but not to exceed fifty pounds in a private passenger vehicle shall be transported in an approved magazine as specified by the department of labor and industries rules and regulations.

Transportation of quantities in excess of fifty pounds is prohibited in passenger vehicles: PROVIDED, That this requirement shall
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not apply to duly licensed dealers.

Transportation of quantities in excess of fifty pounds shall be in accordance with federal department of transportation regulation.

Small arms smokeless propellant intended for personal use in quantities not to exceed twenty-five pounds may be stored without restriction in residences; quantities over twenty-five pounds but not to exceed fifty pounds shall be stored in a strong box or cabinet constructed with three-fourths inch plywood (minimum), or equivalent, on all sides, top, and bottom.

Black powder as used in muzzle loading firearms may be transported in a private vehicle or stored without restriction in private residences in quantities not to exceed five pounds.

Not more than seventy-five pounds of small arms smokeless propellant, in containers of one pound maximum capacity may be displayed in commercial establishments.

Not more than twenty-five pounds of black powder as used in muzzle loading firearms may be stored in commercial establishments of which not more than four pounds in containers of one pound maximum capacity may be displayed.

Quantities in excess of one hundred fifty pounds of smokeless propellant or twenty-five pounds of black powder as used in muzzle loading firearms shall be stored in magazines constructed as specified in the rules and regulations for construction of magazines, and located in compliance with this chapter.

All small arms smokeless propellant when stored shall be packed in federal department of transportation approved containers.

NEW SECTION. Sec. 7. The following acts are each repealed: Section 130, chapter 36, Laws of 1917 as last amended by section 22, chapter 37 *[137], Laws of 1969 ex. sess. and RCW 78.40.491.

Passed the House January 30, 1970
Passed the Senate February 5, 1970
Approved by the Governor February 23, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 73
[Engrossed House Bill No. 6]
SALE OF ARTICLES
PRODUCED BY
INSTITUTIONALIZED PERSONS

AN ACT Relating to the sale of convict-made goods; and amending section 1, chapter 294, Laws of 1927 as amended by section 1, chapter 178, Laws of 1933, and RCW 19.20.020.

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

Section 1. Section 1, chapter 294, Laws of 1927 as amended by section 1, chapter 178, Laws of 1933 and RCW 19.20.020 are each amended to read as follows:

The selling, offering, keeping, exposing or displaying for sale on the open market within this state of any goods, wares or merchandise manufactured, produced or mined, wholly or in part, by convicts or prisoners, except convicts or prisoners on parole or probation, is hereby prohibited except that, any fair, bazaar or other public gathering of a temporary nature which displays and offers for sale hand crafted articles, may provide adequate space for the display and sale of hand crafted articles manufactured as result of occupational therapy by persons confined to any institution in this state. Such space shall be furnished without charge. The director of institutions shall credit the proceeds derived from the sale of such articles to the institutions where produced or manufactured to be deposited in a revolving fund to be expended for the purchase of supplies, materials and equipment for the production of hand crafted articles, provided, that any resident of a state correctional institution who produces a hand crafted article with supplies or materials purchased or procured by him, not at state expense, may be permitted by the director, or his designee, to sell such article under the authority of this act, the proceeds to be deposited in his personal account.

No goods, wares or merchandise, manufactured, produced or mined, in whole or in part, by convicts or prisoners of other states, except convicts or prisoners on parole or probation, shall be shipped into this state to be sold on the open market in this state, or sold to or

exchanged with an institution of this state, or any of its political subdivisions: PROVIDED, This chapter shall not prohibit the sale to or exchange between penal, reformatory or custodial institutions and/or departments of this state, including any of its political subdivisions, for use or consumption by said institutions, of goods, wares or merchandise manufactured, produced or mined, in whole or in part, by convicts or prisoners of the state of Washington: AND PROVIDED, FURTHER, This chapter shall not apply to commodities manufactured by federal, penal or correctional institutions for use by the federal government and/or goods displayed or sold within any of the penal, reformatory or custodial institutions of the state for the benefit of the inmates thereof.

Passed the House January 30, 1970
Passed the Senate February 6, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 74
[House Bill No. 72]
SHOTGUNS AND RIFLES--
INTERSTATE PURCHASES

AN ACT Relating to interstate purchase of shotguns and rifles; and creating new sections.

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

NEW SECTION. Section 1. Residents of Washington may purchase rifles and shotguns in a state other than Washington: PROVIDED, That such residents conform to the applicable provisions of the federal Gun Control Act of 1968, Title IV, Pub. L. 90-351 as administered by the United States secretary of the treasury: AND PROVIDED FURTHER, That such residents are eligible to purchase or possess such weapons in Washington and in the state in which such purchase is made.

NEW SECTION. Sec. 2. Residents of a state other than Washington may purchase rifles and shotguns in Washington: PROVIDED, That such residents conform to the applicable provisions of the federal Gun Control Act of 1968, Title IV, Pub. L. 90-351 as administered by the United States secretary of the treasury: AND PROVIDED FURTHER,

That such residents are eligible to purchase or possess such weapons in Washington and in the state in which such persons reside.

Passed the House January 30, 1970
Passed the Senate February 6, 1970
Approved by the Governor February 20, 1970
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CHAPTER 75
[House Bill No. 118]
STATE RESIDENTIAL SCHOOLS--
ESTATES OF RESIDENTS, FINANCIAL RESPONSIBILITY

AN ACT Relating to the financial responsibility of the estates of residents of state residential schools for the payment of the costs of care and maintenance at such schools; amending section 5, chapter 141, Laws of 1967 and RCW 72.33.670; amending section 72.33.180, chapter 28, Laws of 1959 as last amended by section 10, chapter 141, Laws of 1967 and RCW 72.33.180; repealing section 6, chapter 141, Laws of 1967 and RCW 72.33-.675; and declaring an emergency.

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

Section 1. Section 5, chapter 141, Laws of 1967 and RCW 72-.33.670 are each amended to read as follows:

In all cases where a determination is made that the estate of a mentally or physically deficient person who resides at a state residential school is able to pay all or any portion of the monthly charges, a notice and finding of financial responsibility shall be personally served on the guardian of the resident's estate, or if no guardian has been appointed then to his spouse or parents or other person acting in a representative capacity and having property in his possession belonging to a resident of a state residential school and the superintendent of the state residential school ((and-to-the-attorney-general)). The notice shall set forth the amount the department has determined that such estate is able to pay per month, not to exceed the monthly charge as fixed in accordance with RCW 72.33.660, and the responsibility for payment to the department of institutions shall commence thirty days after personal service of such notice and finding of responsibility. An appeal from the determination of re-

responsibility may be made to the director by the guardian of the resident's estate, or if no guardian has been appointed then by his spouse, parent or parents or other person acting in a representative capacity and having property in his possession belonging to a resident of a state residential school, within such thirty day period upon written notice of appeal being served upon the director by registered or certified mail. If no appeal is taken, the notice and finding of responsibility shall become final. If an appeal is taken, the execution of notice and finding of responsibility shall be stayed pending the decision of such appeal. Appeals may be heard in any county seat most convenient to the appellant. The hearing of appeals may be presided over by a hearing examiner and the proceedings shall be recorded either manually or by a mechanical device. Any such appeal shall be a "contested case" as defined in RCW 34.04.010, and practice and procedure shall be governed by the provisions of RCW 72.33.650 through 72.33.700, the rules and regulations of the department of institutions, and the Administrative Procedure Act, chapter 34.04 RCW.

Sec. 2. Section 72.33.180, chapter 28, Laws of 1959 as last amended by section 10, chapter 141, Laws of 1967 and RCW 72.33.180 are each amended to read as follows:

The superintendent of a state school shall serve as custodian without compensation of such personal property of a resident as may be located at the school, including moneys deposited with the superintendent for the benefit of such resident. As such custodian, the superintendent shall have authority to disburse moneys from the resident's fund for the following purposes and subject to the following limitations:

(1) Subject to specific instructions by a donor or payor of money to the superintendent for the benefit of a resident, the superintendent may disburse any of the funds belonging to a resident for such personal needs of such resident as the superintendent may deem proper and necessary.

(2) The superintendent may pay to the department of institutions for the costs of care, support and treatment of a resident from the resident's fund when such fund exceeds one thousand dollars, to the extent of any finding of financial responsibility served upon the superintendent after such findings shall have become final: PROVIDED, That if such resident does not have a guardian, parent, spouse or other person acting in a representative capacity, upon whom notice and findings of financial responsibility have been served then the superintendent shall not make payments to the department of institutions as above provided, until a guardian has been appointed by the court, and the time for the appeal of findings of financial responsibility as provided in RCW 72.33.670 shall not commence to run until the appointment of such guardian and the service upon him of notice and findings of financial responsibility.

~~((2))~~ (3) When a resident is granted placement, the superintendent shall deliver to said resident, or the parent, guardian or agency legally responsible for the resident, all or such portion of the funds of which the superintendent is custodian as above defined, or other property belonging to the resident, as the superintendent may deem necessary to the resident's welfare, and the superintendent may during such placement deliver to the former resident such additional property or funds belonging to the resident as the superintendent may from time to time deem proper. When the conditions of placement have been fully satisfied and the resident is discharged, the superintendent shall deliver to such resident, or the parent, person or agency legally responsible for the resident, all funds or other property belonging to the resident remaining in his possession as custodian.

~~((3))~~ (4) All funds held by the superintendent as custodian may be deposited in a single fund, the receipts and expenditures therefrom to be accurately accounted for by him: PROVIDED, That all interest accruing from, or as a result of the deposit of such moneys in a single fund shall be used by the superintendent for the general

welfare of all the residents of such institution: PROVIDED, FURTHER, That when the personal accounts of residents exceed three hundred dollars, the interest accruing therefrom shall be credited to the personal accounts of such residents. All such expenditures shall be subject to the duty of accounting provided for in this section.

~~((4))~~ (5) The appointment of a guardian for the estate of such resident shall terminate the superintendent's authority as custodian of a resident's funds upon receipt by the superintendent of a certified copy of letters of guardianship. Upon the guardian's request, the superintendent shall immediately forward to such guardian any funds or other property of the resident remaining in the superintendent's possession together with a full and final accounting of all receipts and expenditures made therefrom.

~~((5))~~ (6) Upon receipt of a written request from the superintendent stating that a designated individual is a resident of the state school for which he has administrative responsibility and that such resident has no legally appointed guardian of his estate, any person, bank, corporation, or agency having possession of any money, bank accounts, or choses in action owned by such resident, shall, if the amount does not exceed one thousand dollars, deliver the same to the superintendent as custodian and mail written notice thereof to such resident at the state school. The receipt of the superintendent shall constitute full and complete acquittance for such payment and the person, bank, corporation, or agency making such payment shall not be liable to the resident or his legal representatives. All funds so received by the superintendent shall be duly deposited by him as custodian in the resident's fund to the personal account of such resident.

If any proceeding is brought in any court to recover property so delivered, the attorney general shall defend the same without cost to the person, bank, corporation, or agency effecting such delivery to the superintendent, and the state shall indemnify such person, bank, corporation, or agency against any judgment rendered

as a result of such proceeding.

NEW SECTION. Sec. 3. Section 6, chapter 141, Laws of 1967 and RCW 72.33.675 are hereby repealed.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health and safety, and the support of the state government and its existing public institutions and shall take effect immediately.

Passed the House January 30, 1970
Passed the Senate February 6, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 76
[House Bill No. 140]
WASHINGTON STATE RECREATION TRAILS SYSTEM ACT

AN ACT Relating to recreation trails.

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

NEW SECTION. Section 1. This act may be cited as the Washington State Recreation Trails System Act.

NEW SECTION. Sec. 2. As used in this act, "IAC" means the Washington state interagency committee for outdoor recreation, and "system" means the Washington state recreation trails system.

NEW SECTION. Sec. 3. (1) In order to provide for the ever increasing outdoor recreation needs of an expanding resident and tourist population and to promote public access to, travel within, and the enjoyment and appreciation of outdoor areas of Washington, it is declared to be in the public interest to plan a system of trails throughout the state to enable and encourage the public to engage in outdoor recreation activities.

(2) The purpose of this act is to provide the means for attaining these objectives by instituting a method for establishing a system of state recreation trails, and by prescribing the manner by which a proposed trail may be included in the system.

NEW SECTION. Sec. 4. (1) The system shall be composed of trails as designated by the IAC. Such trails shall meet the conditions established in this act and such supplementary criteria as the

IAC may prescribe.

(2) The IAC shall establish a procedure whereby federal, state, and local governmental agencies and/or public and private organizations may propose trails for inclusion within the system. Such proposals will comply with the proposal requirements contained in section 6 of this act.

(3) In consultation with appropriate federal, state, and local governmental agencies and public and private organizations, the IAC shall establish a procedure for public review of the proposals considered appropriate for inclusion in the statewide trails system.

NEW SECTION. Sec. 5. The IAC shall prepare a state trails plan as part of the statewide outdoor recreation and open space plan. Such trails plan may include general routes or corridors within which specific trails or segments thereof may be considered for designation as state recreation trails.

NEW SECTION. Sec. 6. Before any specific existing or proposed trail is considered for designation as a state recreational trail, a proposal must be submitted to IAC showing the following:

(1) For existing trails:

(a) The route of such trail, including maps and illustrations, and the recommended mode or modes of travel to be permitted thereon;

(b) The characteristics that, in the judgment of the agency or organization proposing the trail, make it worthy of designation as a component of a state recreation trail or trail system;

(c) A map showing the current status of land ownership and use along the designated route;

(d) The name of the agency or combination of agencies that would be responsible for acquiring additional trail rights-of-way or easements, trail improvement, operation and maintenance, and a statement from those agencies indicating the conditions under which they would be willing to accept those responsibilities;

(e) Any anticipated problems of maintaining and supervising

the use of such trail and any anticipated hazards to the use of any land or resource adjacent to such trail;

(f) And such others as deemed necessary by the IAC.

(2) In addition, for proposed trails or for existing trails which require additional right-of-way acquisition, easements, and/or development:

(a) The method of acquiring trail rights-of-way or easements;

(b) The estimated cost of acquisition of lands, or interest in land, if any is required;

(c) The plans for developing the trail and the estimated cost thereof;

(d) Proposed sources of funds to accomplish (2) (a) and (2) (b) of this section.

NEW SECTION. Sec. 7. Following designation of a state recreation trail, the IAC may coordinate:

(1) The agency or agencies that will acquire (where appropriate), develop and/or maintain the trail;

(2) The most appropriate location for the trail;

(3) Modes of travel to be permitted;

(4) And other functions as appropriate.

NEW SECTION. Sec. 8. The following five categories of trails are hereby established for purposes of this act:

(1) Cross-state trails which connect scenic, historical, geological, geographical, or other significant features which are characteristic of the state;

(2) Water-oriented trails which provide a designated path to, on, or along fresh and/or salt water in which the water is the primary point of interest;

(3) Scenic-access trails which give access to quality recreation, scenic, historic or cultural areas of statewide or national significance;

(4) Urban trails which provide opportunities within an urban setting for walking, bicycling, horseback riding, or other compatible

activities. Where appropriate, they will connect parks, scenic areas, historical points, and neighboring communities;

(5) Historical trails which identify and interpret routes which were significant in the historical settlement and development of the state.

The planning and designation of trails shall take into account and give due regard to the interests of federal agencies, state agencies and bodies, counties, municipalities, private landowners and individuals, and interested recreation organizations. It is not required that the above categories be used to designate specific trails, but IAC will assure that full consideration is given to including trails from all categories within the system.

NEW SECTION. Sec. 9. All trails designated as state recreational trails will be constructed, maintained, and operated to provide for one or more of the following general types of use: Foot, foot powered bicycle, horse, motor vehicular or watercraft travel as appropriate to the terrain and location, or to legal, administrative or other necessary restraints. It is further provided that the same trail shall not be designated for use by foot and vehicular travel at the same time.

NEW SECTION. Sec. 10. With the concurrence of any federal or state agency administering lands through which a state recreation trail may pass, and after consultation with local governments, private organizations and landowners which the IAC knows or believes to be concerned, the IAC may issue guidelines including, but not limited to; trail construction and maintenance standards, a trail use reporting procedure, and a uniform trail mapping system.

NEW SECTION. Sec. 11. The IAC is authorized and encouraged to consult and to cooperate with any state, federal or local governmental agency or body, with private landowners, and with any privately owned utility having jurisdiction or control over or information concerning the use, abandonment or disposition of roadways, utility rights-of-way, or other properties suitable for the purpose of

improving or expanding the system in order to assure, to the extent practicable, that any such properties having value for state recreation trail purposes may be made available for such use.

NEW SECTION. Sec. 12. From time to time, the IAC shall report to the governor and the legislature on the status of the state recreational trail system.

Passed the House January 31, 1970
Passed the Senate February 6, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 77
[Engrossed House Bill No. 164]
DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT
OF 1966--
CITIES, PARTICIPATION

AN ACT Relating to cities; authorizing all cities to contract with the United States; 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, all cities shall have the power and authority to enter into agreements with the United States or any department or agency thereof, to carry out the purposes of the Demonstration Cities and Metropolitan Development Act of 1966 (PL 89-754; 80 Stat. 1255), and to plan, organize and administer programs provided for in such contracts. This power and authority shall include, but not be limited to, the power and authority to create public corporations, commissions and authorities to perform duties arising under and administer programs provided for in such contracts.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House January 30, 1970
Passed the Senate February 6, 1970
Approved by the Governor February 20, 1970
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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
Passed the Senate February 6, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

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.

Passed the House January 30, 1970
Passed the Senate February 6, 1970
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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

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 31, 1970
Passed the Senate February 6, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 81
[Engrossed House Bill No. 5]
TAXES--EXEMPTIONS--
SHELTERED WORKSHOPS

AN ACT Relating to taxation; adding a new section to chapter 15, Laws of 1961 and to chapter 82.04 RCW; and adding new sections to chapter 15, Laws of 1961 and to chapter 84.36 RCW.

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

NEW SECTION. Section 1. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

The following property shall be exempt from taxation:

Real or personal property owned and used by a nonprofit corporation in connection with the operation of a sheltered workshop for handicapped persons, and used primarily in connection with the manufacturing and the handling, sale or distribution of goods constructed, processed, or repaired in such workshops or centers.

NEW SECTION. Sec. 2. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

Unless a different meaning is plainly required by the context, the following term as hereinafter used in this chapter shall have the following meaning:

"Sheltered workshop" means rehabilitation facility, or that part of a rehabilitation facility operated by a nonprofit corporation, where any manufacture or handiwork is carried on and which is operated for the primary purpose of (1) providing gainful employment or rehabilitation services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportu-

nities for them in the competitive labor market do not exist; or (2) providing evaluation and work adjustment services for handicapped individuals.

NEW SECTION. Sec. 3. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows:

This chapter shall not apply to the gross sales or gross income received by nonprofit organizations from the operation of "sheltered workshops". For the purposes of this section, "sheltered workshops" mean rehabilitation facilities, or that part of rehabilitation facilities, where any manufacture or handiwork is carried on and which is operated for the primary purpose of (1) providing gainful employment or rehabilitation services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist; or (2) providing evaluation and work adjustment services for handicapped individuals.

Passed the House February 9, 1970
Passed the Senate February 6, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 82
[Engrossed House Bill No. 23]
CHILD AGENCIES--
ADOPTION--MEDICAL REPORTS

AN ACT Relating to child agencies; and adding a new section to chapter 150, Laws of 1935 and to chapter 26.36 RCW.

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

NEW SECTION. Section 1. There is added to chapter 150, Laws of 1935 and to chapter 26.36 RCW a new section to read as follows:

Every person, firm, society, association, or corporation receiving, securing a home for, or otherwise caring for a minor child shall transmit to the prospective adopting parent prior to placement and shall make available to all persons with whom a child has been placed by adoption a complete medical report containing all reason-

ably available information concerning said child. This report shall contain, but shall not be limited to, all reasonably available information which would indicate that the child is mentally deficient or physically impaired by reason of heredity, process of birth, disease, or any other cause, but said report shall not reveal the identity of the natural parents of the child.

For purposes of this section a person is mentally deficient who experiences difficulty in learning and in meeting the social and economic requirements of everyday living and is unable to effectively apply what he has learned without special training.

RCW 26.36.030 and RCW 26.36.060 shall not apply to any information made available by this section: PROVIDED, HOWEVER, That this section shall not apply to attorneys performing legal services in connection with adoptions.

Passed the House February 7, 1970

Passed the Senate February 6, 1970

Approved by the Governor February 23, 1970, with the exception of an item in section 1, which is vetoed.

Filed in Office of Secretary of State February 24, 1970

NOTE: Governor's explanation of partial veto is as follows:

"...This bill requires that agencies and individuals responsible for placing adoption children with prospective adopting parents must make available to the adopting parents a complete medical report containing all reasonably available information concerning the child, including information which would indicate that the child is mentally deficient or physically impaired.

The bill attempts to define a mentally deficient person as one "who experiences difficulty in learning and in meeting the social and economic requirements of everyday living and is unable to effectively apply what he has learned without special training".

In recent years, the medical and social sciences have made significant progress in the treatment of mental deficiency and retardation. There is still much to be learned but it is becoming clear that old concepts in this field are often no longer meaningful. Specifically, I am advised that the definition as used in the bill fails to provide a meaningful legal standard for the measurement of mental deficiency. On the contrary, since the definition is a broad one it may well create more problems than it will solve. Therefore, it is my conclusion that it is appropriate to delete the definition from House Bill No. 23 and to allow the determination of men-

tal deficiency to be made by persons obliged to meet the requirements of this act or by any court which may be called upon to interpret the act.

With the exception of this item, the remainder of Engrossed House Bill No. 23 is approved."

CHAPTER 83
[House Bill No. 103]
JUSTICE COURTS--SMALL CLAIMS DEPARTMENT--
JURISDICTIONAL AMOUNT--NOTICES--APPEALS

AN ACT Relating to small claims departments of justice courts; amending section 1, chapter 187, Laws of 1919 as amended by section 1, chapter 123, Laws of 1965 *[1963] and RCW 12.40.010; amending section 4, chapter 187, Laws of 1919 as amended by section 9, chapter 263, Laws of 1959 and RCW 12.40.040; and adding new sections to chapter 12.40 RCW.

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

Section 1. Section 1, chapter 187, Laws of 1919 as amended by section 1, chapter 123, Laws of 1963 and RCW 12.40.010 are each amended to read as follows:

That in every justice court of this state there shall be created and organized by the (~~justice-of-the-peace-thereof~~) court a department to be known as the "small claims department of the justice's court" (~~(-which-shall-have-jurisdiction,-but-not-exclusive,-in-cases-for-the-recovery-of-money-only-where-the-amount-claimed-does-not-exceed-fifty-dollars)~~). If the justice court is operating under the provisions of chapters 3.30 through 3.74 RCW, the small claims department of that court shall have jurisdiction, but not exclusive, in cases for the recovery of money only where the amount claimed does not exceed two hundred dollars. If the justice court is not operating under the provisions of chapters 3.30 through 3.74 RCW, the small claims department of that court shall have jurisdiction, but not exclusive, in cases for the recovery of money only where the amount claimed does not exceed one hundred dollars.

NEW SECTION. Sec. 2. There is added to chapter 12.40 RCW a new section to read as follows:

A defendant in a justice court proceeding wherein the claim is within the jurisdictional amount for the small claims department of the justice court may in accordance with court rules transfer the action to the small claims department: PROVIDED, HOWEVER, That in the event of such a transfer the provisions of RCW 12.40.070 shall not be applicable if the plaintiff was an assignee of the claim at the time the action was commenced nor shall the provisions of RCW 12.40.080 prohibit an attorney from representing the plaintiff if he was the attorney of record for the plaintiff at the time the action was commenced.

Sec. 3. Section 4, chapter 187, Laws of 1919 as amended by section 9, chapter 263, Laws of 1959 and RCW 12.40.040 are each amended to read as follows:

Said notice of claim (~~shall~~) can be served either as provided for the service of summons or complaint and notice in civil actions or by registered or certified mail provided a return receipt with the signature of the party being served is filed with the court, but no other paper is to be served with the notice. The officer serving such notice shall be entitled to receive from the plaintiff, besides mileage, one dollar for such service; which sum, together with the filing fee (~~of the justice of the peace~~) named in RCW 12.40.030, shall be added to any judgment given for plaintiff.

NEW SECTION. Sec. 4. There is added to chapter 12.40 RCW a new section to read as follows:

No appeal shall be permitted from a judgment of the small claims department of the justice court where the amount claimed was less than one hundred dollars nor shall any appeal be permitted by a party who requested the exercise of jurisdiction by the small claims court.

Passed the House February 7, 1970
Passed the Senate February 6, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 84
[Substitute House Bill No. 129]
INTERMEDIATE SCHOOL DISTRICTS--
SUPERINTENDENTS--SALARIES

AN ACT Relating to education; amending section 7, chapter 176, Laws of 1969 ex. sess. and RCW 28.19.530; amending section 7, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.070; creating new sections; declaring an emergency; and providing for the expiration of a section hereof.

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

Section 1. Section 7, chapter 176, Laws of 1969 ex. sess. and RCW 28.19.530 are each amended to read as follows:

Every intermediate school district board of education shall appoint and set the salary of an intermediate school district superintendent who shall be employed by a written contract for a term to be fixed by the board but not to exceed four years, and who may be discharged for sufficient cause. The appointment of the first superintendent under this section shall take effect at the end of the terms of all existing county and intermediate district superintendents in each intermediate school district. All existing county and intermediate district superintendents shall continue in office until the end of their respective terms of office. While holding such positions the existing superintendents within the intermediate school district shall continue to receive the salary of that office (~~paid by the boards of county commissioners~~) as prescribed by law existing immediately prior to April 25, 1969 to be paid by such intermediate school district. Unless all positions of county and intermediate school district superintendents within an intermediate school district shall become vacant before the expiration of the existing terms of office, no vacancies shall be filled, but the intermediate school district board shall designate another such superintendent within the district to serve in that vacant position for the duration of that term of office. Prior to the assumption of office by the appointive superintendent, if there shall be more than one elected

superintendent in office within a district, the intermediate school district board shall designate one of the superintendents to be chairman of the county and intermediate district superintendents within the district and, thereafter, such chairman shall represent such superintendents in matters of concern to the intermediate school district.

Sec. 2. Section 7, chapter 176, Laws of 1969 ex. sess., and RCW 28A.21.070 are each amended to read as follows:

Every intermediate school district board of education shall appoint and set the salary of an intermediate school district superintendent who shall be employed by a written contract for a term to be fixed by the board but not to exceed four years, and who may be discharged for sufficient cause. The appointment of the first superintendent under this section shall take effect at the end of the terms of all existing county and intermediate district superintendents in each intermediate school district. All existing county and intermediate district superintendents shall continue in office until the end of their respective terms of office. While holding such positions the existing superintendents within the intermediate school district shall continue to receive the salary of that office (~~paid by the boards of county commissioners~~) as prescribed by law existing immediately prior to April 25, 1969 to be paid by such intermediate school district. Unless all positions of county and intermediate school district superintendents within an intermediate school district shall become vacant before the expiration of the existing terms of office, no vacancies shall be filled, but the intermediate school district board shall designate another such superintendent within the district to serve in that vacant position for the duration of that term of office. Prior to the assumption of office by the appointive superintendent, if there shall be more than one elected superintendent in office within a district, the intermediate school district board shall designate one of the superintendents to be chairman of the county and intermediate district superintendents

within the district and, thereafter, such chairman shall represent such superintendents in matters of concern to the intermediate school district.

NEW SECTION. Sec. 3. Whenever any board of county commissioners, prior to the effective date of this 1970 amendatory act, has paid to an intermediate school district not less than the amount required under section 18, chapter 176, Laws of 1969 ex. sess., and in addition thereto, has paid the salary of a county or intermediate district superintendent as required under section 7 of said act, moneys paid for such salary shall be an obligation owed by the intermediate school district to the board of county commissioners concerned and reimbursement shall be made to such board by the intermediate school district as soon as practicable hereafter.

NEW SECTION. Sec. 4. Sections 1, 3, 4 and 5 of this 1970 amendatory act are necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 5. Notwithstanding any other provision of this 1970 amendatory act, section 1 hereof shall only be effective until chapter 223, Laws of 1969 ex. sess. shall take effect, upon which date section 1 hereof shall be void and of no effect and section 2 of this act shall become effective.

Passed the House February 7, 1970
Passed the Senate February 5, 1970
Approved by the Governor February 23, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 85
[Engrossed House Bill No. 304]
PUGET SOUND FERRIES,
TRANSPORTATION FACILITIES--FINANCING--STUDY

AN ACT Relating to toll facilities and the financing thereof; amending section 82.36.020, chapter 15, Laws of 1961 as last amended by section 75, chapter 145, Laws of 1967 ex. sess. and RCW 82.36.020; amending section 46.68.100, chapter 12, Laws of

1961 as last amended by section 79, chapter 145, Laws of 1967 ex. sess. and RCW 46.68.100; amending section 19, chapter 7, Laws of 1961 ex. sess. and RCW 47.60.360; amending section 47-.60.170, chapter 13, Laws of 1961 and RCW 47.60.170; making an appropriation; declaring an emergency and providing an effective date.

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

NEW SECTION. Section 1. (1) The legislature finds that the state's ferry fleet available for mass transportation of people within the urban region of Puget Sound is critically deficient and that substantial financial assistance for the acquisition of new ferries is necessary if the Washington state ferries is to continue to fulfill its role in the Puget Sound regional urban transportation system.

(2) The Washington state highway commission is authorized:

(a) To apply to the Secretary of Transportation for a financial grant to assist the state to acquire urgently needed ferries.

(b) To enter into an agreement with the Secretary of Transportation or other duly authorized federal officials and to assent to such conditions as may be necessary to obtain financial assistance for the acquisition of additional ferries. In connection with such agreement the Washington state highway commission may pledge any moneys in the Puget Sound capital construction account in the motor vehicle fund or any moneys to be deposited in said account for the purpose of paying the state's share of the cost of acquiring ferries. To the extent of such pledge the commission shall use the moneys available in the Puget Sound capital construction account to meet such obligations as they arise.

NEW SECTION. Sec. 2. There is hereby created in the motor vehicle fund the Puget Sound capital construction account. All moneys hereafter deposited in said account shall be used by the state highway commission exclusively for improving the Washington state ferry system or constructing or improving transportation facilities for

the crossing of Puget Sound and any of its tributary waters.

Sec. 3. Section 82.36.020, chapter 15, Laws of 1961 as last amended by section 75, chapter 145, Laws of 1967 ex. sess. and RCW 82.36.020 are each amended to read as follows:

Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the director of nine cents for each gallon of motor vehicle fuel sold, distributed, or used by him in the state as well as on each gallon upon which he has assumed liability for payment of the tax under the provisions of RCW 82.36.100: PROVIDED, That under such regulations as the director may prescribe sales or distribution of motor vehicle fuel may be made by one licensed distributor to another licensed distributor free of the tax. In the computation of the tax, one-quarter of one percent of the net gallonage otherwise taxable shall be deducted by the distributor before computing the tax due, on account of the losses sustained through handling. The tax herein imposed shall be collected and paid to the state but once in respect to any motor vehicle fuel. An invoice shall be rendered by a distributor to a purchaser for each distribution of motor vehicle fuel.

The proceeds of the nine cents excise tax collected on the net gallonage after the deduction provided for herein shall be distributed as follows:

(1) Seven cents shall be distributed between the state, cities, and counties under the provisions of RCW 46.68.090 and 46.68.100 (~~(as amended in section 8 of this 1967 amendatory act)~~): PROVIDED, That from the effective date of this act through June 30, 1976, six and seven-eighths cents shall be distributed between the state, cities, and counties under the provisions of RCW 46.68.090 and 46.68.100.

(2) Five-eighths of one cent shall be distributed to the state and expended pursuant to (~~section 9 of this 1967 amendatory act~~) RCW 46.68.150.

(3) Five-eighths of one cent shall be paid into the motor vehicle fund and credited to the urban arterial trust account created by

~~((section 14 of this 1967 amendatory act))~~ RCW 47.26.080.

(4) One-quarter cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350: PROVIDED, That from the effective date of this 1970 amendatory act through June 30, 1976, three-eighths of one cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350.

(5) One-half cent shall be distributed to the cities and towns directly and allocated between them as provided by RCW 46.68.110, subject to the provisions of RCW 35.76.050: PROVIDED, That the funds allocated to a city or town which are attributable to such one-half cent of the additional tax imposed by this 1961 amendatory act shall be used exclusively for the construction, improvement and repair of arterial highways as that term is defined in RCW 46.04.030, or for the payment of any municipal indebtedness which may be incurred after June 12, 1963 in the construction, improvement and repair of arterial highways as that term is defined in RCW 46.04.030. All such sums shall first be subject to proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

Sec. 4. Section 46.68.100, chapter 12, Laws of 1961 as last amended by section 79, chapter 145, Laws of 1967 ex. sess. and RCW 46.68.100 are each amended to read as follows:

From the net tax amount in the motor vehicle fund there shall be paid sums as follows:

(1) To the cities and towns of the state sums equal to ten and four-tenths percent of the net tax amount to be paid monthly as the same accrues: PROVIDED, That from the effective date of this 1970 amendatory act through June 30, 1976, there shall be paid to the cities and towns of the state sums equal to ten and fifty-nine hundredths percent of the net tax amount to be paid monthly as the same accrues;

(2) To the counties of the state sums equal to thirty-two and five-tenths percent of the net tax amount to be paid monthly as the same accrues: PROVIDED, That from the effective date of this 1970

amendatory act through June 30, 1976, to the counties of the state there shall be paid sums equal to thirty-three and nine hundredths percent of the net tax amount to be paid monthly as the same accrues;

(3) To the state to be expended as provided by RCW 46.68.130, sums equal to fifty-seven and one-tenth percent of the net tax amount to be paid monthly as the same accrues: PROVIDED, That from the effective date of this 1970 amendatory act through June 30, 1976, to the state there shall be paid to be expended as provided by RCW 46-.68.130, sums equal to fifty-six and thirty-two hundredths percent of the net tax amount to be paid monthly as the same accrues.

Nothing in this section or in RCW 46.68.090 or 46.68.130 shall be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle (~~(funds)~~) fuels.

Sec. 5. Section 19, chapter 7, Laws of 1961 ex. sess. and RCW 47.60.360 are each amended to read as follows:

Whenever the total balance in the Puget Sound reserve account shall exceed one million dollars, a sum equal to such excess of one million dollars shall be transferred from the Puget Sound reserve account (~~((and shall be expended by the state highway commission pursuant to proper appropriation or reappropriation for state highways for other state highway commission purposes-))~~) to the Puget Sound capital construction account of the motor vehicle fund.

Sec. 6. Section 47.60.170, chapter 13, Laws of 1961 and RCW 47.60.170 are each amended to read as follows:

Nothing in RCW 47.60.150 shall forbid the establishment by the authority of a Washington state ferries revolving fund of not to exceed (~~(three)~~) six hundred thousand dollars from the proceeds of any bonds sold under the provisions of this chapter. Such fund may be deposited by the authority in such banks or financial institutions as it may select throughout the state. The provisions of RCW 43.01.050 shall not be applicable to such fund or any deposits therein made by

the authority under the provisions of this section. The authority may deposit thereafter therein all moneys received under the provisions of this chapter. All expenses whatsoever arising in the operations of the Puget Sound ferry system shall be paid from such fund if established by check or voucher in such manner as may be prescribed by the authority.

All moneys received by the authority or any employee under the foregoing sections of this chapter, except an amount of petty cash for each day's needs as fixed by the regulation of the authority, shall be each day and as often during such day as advisable, deposited in the nearest authorized depository selected by the authority under the terms of this section.

Whenever the fund shall exceed (~~three~~) six hundred thousand dollars, the authority shall forthwith transmit such excess to the state treasurer for deposit in the trust fund established by RCW 47-.60.150.

NEW SECTION. Sec. 7. There is hereby appropriated from the Puget Sound capital construction account in the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1971, the sum of six million five hundred thousand dollars for the acquisition of additional ferries: PROVIDED, That the state highway commission shall issue design and performance specifications calling for design, construct and performance bids and shall report their progress with the same to the joint committee on highways before entering into any other contracts for design of said ferries.

NEW SECTION. Sec. 8. The joint committee on highways is directed to study alternative methods of financing the construction of ferries, terminals and other cross-sound transportation facilities after July 1, 1973, and report its recommendations to the 1973 legislature as to whether or not the additional one-eighth cent of motor vehicle fuel taxes allocated by this 1970 amendatory act for capital construction of ferries and terminal facilities may be restored to the motor vehicle fund to be used for state highway purposes.

The 1973 legislature, upon receiving the recommendations of the joint committee on highways shall reexamine the program for financing the construction of ferries, terminals and other cross-sound transportation facilities as contained in this 1970 amendatory act.

NEW SECTION. Sec. 9. 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 shall take effect April 1, 1970.

Passed the House February 7, 1970

Passed the Senate February 5, 1970

Approved by the Governor February 23, 1970, with the exception of the proviso in section 7, which is vetoed.

Filed in Office of Secretary of State February 24, 1970

NOTE: Governor's explanation of partial veto is as follows:

"...This bill dedicates gasoline tax funds for the construction of six new 172-car ferries to be added to the Washington State Ferry fleet during the next ten years. It provides a construction method of paying for the new ferries as each new vessel is completed, therefore saving nearly \$50 million in the next ten years over the cost of acquiring ferries through bond financing.

In section 7 of the bill, the legislature appropriates \$6,500,000 for this biennium which presumably will be used primarily for the construction of the first new vessel.

A Senate committee amendment to the bill requires that the highway commission issue design and performance specifications calling for "design, construct and performance bids", and that before proceeding the commission must report to the Joint Committee on Highways.

This amendment requires a full-scale design competition in place of the usual procedure of preparing contract plans and specifications issued by the state on which shipyards may submit competitive bids. A serious question has been raised as to whether this method of procurement is suitable for procuring ferries. There are only three shipyards in the country that have built vessels similar to the 172-car ferries contemplated for use in state waters. Since design costs are substantial, if design competition is mandated, it is questionable how many firms can compete.

Further, it is questionable whether design competition as a method of procurement is one which will procure for the state the most suitable vessels for the dollars invested. The objectives of a professional naval architect employed by a purchaser are somewhat different than those

of a shipyard architect designing for a construction bid to be submitted by the shipyard. The professional naval architect employed by the purchaser should design for his client the most suitable vessel possible giving consideration to construction costs and suitability for intended service and performance. The shipyard architect often has the objective of designing vessels which can be built for the lowest estimated proposal price.

My veto does not prevent design competition as called for by the Senate amendment, but the veto will leave the Highway Department free to determine whether and to what extent design competition is appropriate. Designing and purchasing vessels is properly a function of the Highway Department in cooperation with the Toll Bridge Authority.

The citizens of the State of Washington are best served if the legislature establishes the broad policy and enacts the laws which the executive branches of government are then responsible for administering and enforcing. I do not criticize the interest of the members of the Joint Committee in obtaining the best design for the new vessels to be added to the Washington State Ferry fleet. However, this function has been properly assigned to the Highway Department and the Toll Bridge Authority.

It is the separation of powers among the legislative, executive and judicial branches that fosters the most effective government.

The remainder of House Bill No. 304 is approved."

CHAPTER 86
[Engrossed House Bill No. 13]
SCHOOL DISTRICTS--REIMBURSEMENT FACTOR--
DEPOPULATED DISTRICTS, DISSOLUTION AND ANNEXATION

AN ACT Relating to education; amending section 18, chapter 266, Laws of 1947 as amended by section 58, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.200; amending section 28A.57.200, chapter 223, Laws of 1969 ex. sess. as amended by section 130, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.200; suspending a proviso; declaring an emergency; making certain effective dates; and providing for the expiration of a section hereof.

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

NEW SECTION. Section 1. That portion of the proviso con-

tained in chapter 282, Laws of 1969 ex. sess. (pages 2718, 2719, Pamphlet Edition, Statute Law Committee, Volume 8) dealing with the reimbursement factor for school districts of certain descriptions reading as follows:

"For school districts judged remote and necessary by the state board of education and enrolling fewer than 250 students in grades 9-12 and for nonhigh districts judged remote and necessary by the state board of education and for schools by the state board of education within a district and which enroll fewer than 100 students:" is hereby suspended.

NEW SECTION. Sec. 2. During the current fiscal period ending June 30, 1971 the reimbursement factor applicable to school districts enrolling fewer than 250 students in grades 9-12 and for nonhigh districts which are judged remote and necessary by the state board of education and which enroll fewer than 100 students shall be in accordance with the weighting factor submitted by the superintendent of public instruction to the 40th legislature.

Sec. 3. Section 18, chapter 266, Laws of 1947 as amended by section 58, chapter 176, Laws of 1969 ex. sess. and RCW 28.57.200 are each amended to read as follows:

In case any school district shall have an average daily attendance of fewer than ((five)) two pupils or shall not have maintained, during the last preceding school year at least the minimum terms of school required by law, the intermediate school district superintendent shall report said fact to the county committee, which committee shall ((give-consideration-to-the-question-of-the-dissolution-of)) dissolve the school district and ((the-annexation-of)) annex the territory thereof to some other district or districts. In case any territory is not a part of any school district, the intermediate school district superintendent shall present to the county committee a proposal for the annexation of said territory to some contiguous district or districts.

Sec. 4. Section 28A.57.200, chapter 223, Laws of 1969 ex. sess. as amended by section 130, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.200 are each amended to read as follows:

In case any school district shall have an average enrollment of fewer than (~~(five)~~) two pupils or shall not have maintained, during the preceding school year at least the minimum term of school required by law, the intermediate school district superintendent shall report said fact to the county committee, which committee shall (~~give consideration to the question of the dissolution of~~) dissolve the school district and (~~the annexation of~~) annex the territory thereof to some other district or districts. In case any territory is not a part of any school district, the intermediate school district superintendent shall present to the county committee a proposal for the annexation of said territory to some contiguous district or districts.

NEW SECTION. Sec. 5. Notwithstanding any other provision of this 1970 amendatory act, section 3 of this 1970 amendatory act shall only be effective until chapter 223, Laws of 1969 ex. sess. becomes effective, at which time section 3 hereof shall be void and of no effect and section 4 hereof shall become effective.

NEW SECTION. Sec. 6. 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 shall take effect immediately.

NEW SECTION. Sec. 7. If any provision of this 1970 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House February 11, 1970
Passed the Senate February 10, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 87
[Engrossed House Bill No. 26]
PROPERTY TAXES--
OPEN SPACE, FARM AND TIMBER LANDS

AN ACT Relating to the taxation of property; conferring rights, powers, and duties; adding a new chapter to chapter 15, Laws of 1961 and to Title 84 RCW; and providing an effective date.

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

NEW SECTION. Section 1. The legislature hereby declares that it is in the best interest of the state to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the state and its citizens. The legislature further declares that assessment practices must be so designed as to permit the continued availability of open space lands for these purposes, and it is the intent of this act so to provide.

NEW SECTION. Sec. 2. As used in this act, unless a different meaning is required by the context:

(1) "Open space land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities, or (vi) preserve historic sites, or (vii) retain in its natural state tracts of land of not less than five acres situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification.

(2) "Farm and agricultural land" means either (a) land in any contiguous ownership of twenty or more acres devoted primarily to ag-

gricultural uses; (b) any parcel of land five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this act; or (c) any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this act. Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the land on which appurtenances necessary to the production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands."

(3) "Timber land" means land in any contiguous ownership of twenty or more acres which is devoted primarily to the growth and harvest of forest crops and which is not classified as reforestation land pursuant to chapter 84.28 RCW, or as land classified for deferred taxation under chapter 84.32 RCW. Timber land means the land only.

(4) "Current" or "currently" means as of the date on which property is to be listed and valued by the county assessor.

(5) "Owner" means the party or parties having the fee interest in land, except that where land is subject to real estate contract "owner" shall mean the contract vendee.

NEW SECTION. Sec. 3. An owner of land desiring current use assessment under this act shall make application to the county assessor upon forms prepared by the state department of revenue and supplied by the county assessor. The application shall be accompanied by a reasonable processing fee if such processing fee is established by the city or county legislative authority. Said application shall

require only such information reasonably necessary to properly classify an area of land under this act with a notarized verification of the truth thereof. Applications must be made prior to December 31, 1970 for classification to begin in the assessment year commencing January 1, 1971, and thereafter applications to the county assessor shall be made during the first four calendar months of the calendar year preceding that in which such classification is to begin: PROVIDED, That no application may be made under section 2, subsection (1) (a) of this act until after December 31, 1971.

NEW SECTION. Sec. 4. Each application for classification shall be referred by the county assessor to the county legislative body, if the land is in an unincorporated area, or to the city legislative body, if it is in an incorporated area. An application made for classification under section 2, subsection (1) (b), (2), or (3) of this act, shall be acted upon in a city or county with a comprehensive plan in the same manner in which an amendment to the comprehensive plan is processed by such city or county, and by a city or county without a comprehensive plan after a public hearing and after notice of the hearing shall have been given by one publication in a newspaper of general circulation in the city or county at least ten days before the hearing. In determining whether an application made for classification under section 2, subsection (1) (b), (2), or (3) of this act should be approved or disapproved, the granting authority may take cognizance of the benefits to the general welfare of preserving the current use of the property which is the subject of application, and may consider whether or not preservation of current use of the land will (a) conserve or enhance natural or scenic resources, (b) protect streams or water supplies, (c) promote conservation of soils, wetlands, beaches or tidal marshes, (d) enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces, (e) enhance recreation opportunities, (f) preserve historic sites, (g) maintain farm and agricultural land, or (h) affect any other factors relevant in

weighing benefits to the general welfare of preserving the current use of the property against the potential loss in revenue which may result from granting the application: PROVIDED, That the granting authority may approve the application with respect to only part of the land which is the subject of the application: PROVIDED FURTHER, That if any part of the application is denied, the applicant may withdraw the entire application: AND PROVIDED FURTHER, That the granting authority in approving in part or whole an application may also require that certain conditions be met, including but not limited to the granting of easements: AND PROVIDED FURTHER, That the granting or denial of the application for current use assessment is a legislative determination and shall be reviewable only for arbitrary and capricious actions.

NEW SECTION. Sec. 5. (1) The granting authority shall immediately notify the county assessor and the applicant of its approval or disapproval which shall in no event be more than six months from the receipt of said application. No land shall be considered qualified under this act until an application in regard thereto has been approved by the appropriate legislative authority.

(2) When the granting authority finds that land qualifies under this act, it shall file notice of the same with the assessor within ten days. The assessor shall, as to any such land, make a notation each year on the assessment list and the tax roll of the assessed value of such land for the use for which it is classified in addition to the assessed value of such land were it not so classified.

(3) Within ten days following receipt of the notice from the granting authority that such land qualifies under this act, the assessor shall submit such notice to the county auditor for recording in the place and manner provided for the public recording of state tax liens on real property.

(4) The assessor shall also file notice of both such value with the county treasurer, who shall record such notice in the place and manner provided for recording delinquent taxes.

NEW SECTION. Sec. 6. In determining the true and fair value of open space land, farm and agriculture land, and timber land, which has been classified as such under the provisions of this act, the assessor shall consider only the use to which such property and improvements is currently applied and shall not consider potential uses of such property. The assessor shall compute the assessed value of such property by using the same assessment ratio which he applies generally in computing the assessed value of other property: PROVIDED, That the assessed valuation of open space land with no current use shall be not less than that which would result if it were to be assessed for agricultural uses.

NEW SECTION. Sec. 7. When land has once been classified under this act, it shall remain under such classification and shall not be applied to other use for at least ten years from the date of classification and shall continue under such classification until and unless withdrawn from classification after notice of request for withdrawal shall be made by the owner. During any year after seven years of the initial ten-year classification period have elapsed, notice of request for withdrawal, which shall be irrevocable, may be given by the owner to the county assessor or assessors of the county or counties in which such land is situated. Within seven days the county assessor shall transmit one copy of such notice to the legislative body which originally approved the application. The county assessor or assessors, as the case may be, shall, when three assessment years have elapsed following the date of receipt of such notice, withdraw such land from such classification: PROVIDED, That the county treasurer shall impose and collect upon the property for the seven years last past an amount which would be the difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable had the land not been so classified, and the owner shall be liable therefor, and the same may be collected, as in the case of any other property taxes levied against the land: PROVIDED FURTHER, That the

county treasurer shall impose and collect interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty each year if the land had been assessed at a value computed without regard to this act: PROVIDED, That agreement to tax according to use shall not be considered to be a contract and can be abrogated at any time by the state in which event no penalty shall be imposed.

NEW SECTION. Sec. 8. When land which has been assessed under this act as open space land, farm and agricultural land, or timber land is applied to some other use, except through compliance with section 7 of this act, or except as a result of the exercise of the power of eminent domain, or except as a result of a sale to a public body, the owner shall within sixty days notify the county assessor of such change in use and additional real property tax shall be imposed upon such land in an amount equal to the sum of the following:

(1) The total amount, if any, which would be the difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land", and the property tax otherwise due and payable had the land not been so classified during a maximum of twenty years for timber land, or fourteen years for other land preceding the year in which the assessor extends such additional tax on the tax roll; plus

(2) A penalty amounting to twenty percent of the amount determined in subsection (1) of this section; plus

(3) Interest upon the amounts of such additional tax and penalty until paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty each year if the land had been assessed at a value computed without regard to this act.

(4) The provisions of subsections (1), (2) and (3) of this section shall not apply in the event that the change in use results from the sale of land classified under this act within two years after

the death of the owner of at least fifty percent of such land.

NEW SECTION. Sec. 9. The additional tax and penalties, if any, provided by sections 7 and 8 of this act shall be extended on the tax roll and shall be, together with the interest thereon, a lien on the land to which such tax applies as of January 1st of the year for which such additional tax is imposed. Such lien shall have priority as provided in chapter 84.60 RCW: PROVIDED, That for purposes of all periods of limitation of actions specified in Title 84 RCW, the year in which the tax became payable shall be as specified in section 10 of this act.

NEW SECTION. Sec. 10. The additional tax, penalties, and/or interest provided by sections 7 and 8 of this act shall be payable in full on or before April 30th following the date which the treasurer's statement therefor is rendered. Such additional tax when collected shall be distributed by the county treasurer in the same manner in which current taxes applicable to the subject land are distributed.

NEW SECTION. Sec. 11. The owner of any land as to which additional tax is imposed as provided in section 8 of this act shall have with respect to valuation of the land and imposition of the additional tax all remedies provided by Title 84 RCW.

NEW SECTION. Sec. 12. The assessor shall at all times be authorized to demand and receive reports by registered or certified mail from owners of land classified under this act. If the owner shall fail, after ninety days' notice in writing by certified mail sent to the address specified for notices given pursuant to section 10, chapter 146, Laws of 1967, extraordinary session, to comply with such demand, the assessor may immediately withdraw the land from classification and apply the penalties provided in section 8 of this act.

NEW SECTION. Sec. 13. Nothing in this act shall be construed as in any manner affecting the method for valuation of timber standing on timber land which has been classified under this act and such timber shall continue to be valued by the assessor in accordance with

chapter 249, Laws of 1963.

NEW SECTION. Sec. 14. The department of revenue of the state of Washington shall make such rules and regulations consistent with the provisions of this act as shall be necessary or desirable to permit its effective administration.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. The provisions of this act shall take effect on January 1, 1971.

NEW SECTION. Sec. 17. There is added to chapter 15, Laws of 1961 and to Title 84 RCW a new chapter to consist of sections 1 through 17 of this act.

Passed the House February 10, 1970
Passed the Senate February 10, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 88
[Engrossed Substitute House Bill No. 51]
WATER POLLUTION--
OIL DISCHARGES--LIABILITY--PENALTIES

AN ACT Relating to water pollution; amending section 1, chapter 133, Laws of 1969 ex. sess. and RCW 90.48.320; amending section 2, chapter 133, Laws of 1969 ex. sess. and RCW 90.48.325; amending section 3, chapter 133, Laws of 1969 ex. sess. and RCW 90.48.330; amending section 4, chapter 133, Laws of 1969 ex. sess. and RCW 90.48.335; amending section 7, chapter 133, Laws of 1969 ex. sess. and RCW 90.48.350; amending section 10, chapter 133, Laws of 1969 ex. sess. and RCW 90.48.315; amending section 5, chapter 133, Laws of 1969 ex. sess. and RCW 90.48.340; amending section 11, chapter 216, Laws of 1945 as amended by section 6, chapter 13, Laws of 1967 and RCW 90.48.035; amending sections 13 and 14, chapter 139, Laws of 1967 ex. sess. and RCW 90.48.142 and 90.48.144; amending section 6,

chapter 71, Laws of 1955 as amended by section 20, chapter 13, Laws of 1967 and RCW 90.48.210; adding new sections to chapter 133, Laws of 1969 ex. sess. and to chapter 90.48 RCW; providing penalties; and declaring an emergency.

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

Section 1. Section 10, chapter 133, Laws of 1969 ex. sess. and RCW 90.48.315 are each amended to read as follows:

For purposes of RCW 90.48.315 through 90.48.365 the following definitions shall apply:

(1) "Oils" or "oil" shall mean oil, including gasoline, crude oil, fuel oil, diesel oil, lubricating oil, sludge, oil refuse and any other petroleum related product.

(2) "Person" shall mean "person" as defined in *[by] RCW 90.48.020 and in addition shall include any owner, operator, master, officer or employee of a ship.

(3) "Waters of the state" shall mean "waters of the state" as defined in RCW 90.48.020.

(4) "Ship" shall mean any boat, ship, vessel, barge, or other floating craft of any kind.

(5) "Having control over oil" shall include but shall not be limited to any person using, storing or transporting oil immediately prior to entry of such oil into the waters of the state, and shall specifically include carriers and bailees of such oil.

Sec. 2. Section 1, chapter 133, Laws of 1969 ex. sess. and RCW 90.48.320 are each amended to read as follows:

~~((No person shall intentionally or negligently discharge oil or cause or permit the entry of the same into))~~ It shall be unlawful, except under the circumstances hereafter described in this section, for oil to enter the waters of the state from any ship or any fixed or mobile facility or installation located offshore or onshore whether publicly or privately operated, regardless of the cause of the entry or fault of the person having control over the oil, or regardless of whether it be the result of intentional or negligent con-

duct, accident or other cause. This section shall not apply to discharges of oil in the following circumstances:

(1) The person discharging was expressly authorized to do so by the water pollution control commission prior to the entry of the oil into state waters;

(2) The person discharging was authorized to do so by operation of law as provided in RCW 90.48.200;

(3) Where a person having control over the oil can prove that a discharge was caused by:

(a) an act of war or sabotage, or

(b) negligence on the part of the United States government, or the state of Washington.

Sec. 3. Section 2, chapter 133, Laws of 1969 ex. sess. and RCW 90.48.325 are each amended to read as follows:

It shall be the obligation of any person (~~discharging or causing or permitting the entry of the same into~~) owning or having control over oil entering waters of the state in violation of RCW 90.48.320 to immediately collect and remove the same. If it is not feasible to collect and remove, said person shall take all practicable actions to contain, treat and disperse the same. The director shall prohibit or restrict the use of any chemicals or other dispersant or treatment materials proposed for use under this section whenever it appears to him that use thereof would be detrimental to the public interest.

Sec. 4. Section 3, chapter 133, Laws of 1969 ex. sess. and RCW 90.48.330 are each amended to read as follows:

The water pollution control commission is authorized, with the staff, equipment and material under its control, or by contract with others, to take such actions as are necessary to collect, investigate, perform surveillance over, remove, contain, treat, or disperse oil discharged into waters of the state. The director of the commission shall keep a record of all necessary expenses incurred in carrying out any project or activity authorized under this section.

including a reasonable charge for the services performed by the state's personnel and the state's equipment and materials utilized. The authority granted hereunder shall be limited to projects and activities which are designed to protect the public interest or public property.

Sec. 5. Section 4, chapter 133, Laws of 1969 ex. sess. and RCW 90.48.335 are each amended to read as follows:

Any person who fails to immediately collect, remove, contain, treat or disperse oil when under an obligation to do so as provided in RCW 90.48.325, shall be responsible for the necessary expenses incurred by the state in carrying out a project or activity authorized under RCW 90.48.330.

NEW SECTION. Sec. 6. There is added to chapter 133, Laws of 1969 ex. sess. and to chapter 90.48 RCW a new section to read as follows:

Any person owning oil or having control over the same which enters the waters of the state in violation of section 2 of this 1970 amendatory act shall be strictly liable, without regard to fault, for the damages to persons or property, public or private, caused by such entry. In any action to recover such damages, said person shall be relieved from strict liability, without regard to fault, if he can prove that the oil to which the damages relate entered the waters of the state by causes set forth in section 2, subsection (3) of this 1970 amendatory act.

NEW SECTION. Sec. 7. There is added to chapter 133, Laws of 1969 ex. sess. and to chapter 90.48 RCW a new section to read as follows:

In addition to any cause of action the state may have to recover necessary expenses for the cleanup of oil pursuant to sections 3 and 9 of this 1970 amendatory act, any other person causing the entry of oil shall be directly liable to the state for the necessary expenses of oil cleanup arising from such entry and the state shall have a cause of action to recover from any or all of said person. Any

person liable for cost of oil cleanup as provided in sections 3 and 9 of this 1970 amendatory act shall have a cause of action to recover for costs of cleanup from any other person causing the entry of oil into the waters of the state including any amount recoverable by the state as necessary expenses under section 9 of this 1970 amendatory act.

NEW SECTION. Sec. 8. There is added to chapter 133, Laws of 1969 ex. sess. and to chapter 90.48 RCW a new section to read as follows:

Any person who proposes to discharge oil or cause or permit the entry of same into waters of the state shall prior to such discharge obtain permission from the director of the water pollution control commission. The director is authorized to permit the discharge of oil into waters of the state consistent with the pertinent effluent and receiving water standards and treatment requirements established by the commission. Permission for industrial or commercial discharges shall be given through the terms of a waste discharge permit issued pursuant to RCW 90.48.180. Permission shall be given in all other cases on a form prescribed by the director.

Sec. 9. Section 7, chapter 133, Laws of 1969 ex. sess. and RCW 90.48.350 are each amended to read as follows:

Any person who intentionally or negligently discharges oil, or causes or permits the entry of the same (~~(in violation of RCW 90-48-320)~~), shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to twenty thousand dollars for every such violation; said amount to be determined by the director of the commission after taking into consideration the gravity of the violation, the previous record of the violator in complying, or failing to comply, with the provisions of chapter 90.48 RCW, and such other considerations as the director deems appropriate. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for. The penalty

herein provided for shall become due and payable when the person incurring the same receives a notice in writing from the director of the commission describing such violation with reasonable particularity and advising such person that the penalty is due. The director may, upon written application therefor, received within fifteen days, and when deemed in the best interest of the state in carrying out the purposes of this chapter, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as he in his discretion shall deem proper, and shall have the authority to ascertain the facts upon all such applications in such manner and under such regulations as he may deem proper. If the amount of such penalty is not paid to the commission within fifteen days after the receipt of notice imposing the same, or if an application for remission or mitigation has been made within fifteen days as herein provided and the amount provided in the order issued by the director subsequent to such application is not paid within fifteen days after the receipt thereof, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or any other county in which such violator may do business, to recover the amount specified in the final order of the director. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund. No order issued under this section shall be construed as an order within the meaning of RCW 90.48.135.

Sec. 10. Section 5, chapter 133, Laws of 1969 ex. sess. and RCW 90.48.340 are each amended to read as follows:

The director shall investigate each activity or project conducted under RCW 90.48.330 to determine, if possible, the circumstances surrounding the entry of oil into waters of the state and the person or persons allowing said entry or responsible for the act or

acts which result in said entry. Whenever it appears to the director, after investigation, that a specific person or persons are responsible for the necessary expenses incurred by the state pertaining to a project or activity as specified in RCW 90.48.335, the director shall notify said person or persons by appropriate order: PROVIDED, That no order may be issued pertaining to a project or activity which was completed more than five years prior to the date of the proposed issuance of the order. Said order shall state the findings of the director, the amount of necessary expenses incurred by the commission in conducting the project or activity, and a notice that said amount is due and payable immediately upon receipt of said order. The commission may, upon application from the recipient of an order received within thirty days from the receipt of the order, reduce or set aside in its entirety the amount due and payable, when it appears from the application, and from any further investigation the commission may desire to undertake, that a reduction or setting aside is just and fair under all the circumstances. If the amount specified in the order issued by the director notifying said person or persons is not paid within thirty days after receipt of notice imposing the same, or if an application has been made within thirty days as herein provided and the amount provided in the order issued by the commission subsequent to such application is not paid within fifteen days after receipt thereof, the attorney general, upon request of the director, shall bring an action on behalf of the state in the superior court of Thurston county or any county in which the person to which the order is directed does business to recover the amount specified in the final order of the director or the commission, as appropriate. No order issued under this section shall be construed as an order within the meaning of RCW 90.48.135. In any action to recover necessary expenses as herein provided said person shall be relieved from liability for necessary expenses if he can prove that the oil to which the necessary expenses relate entered the waters of the state by causes set forth in section 2, subsection (3)

of this 1970 amendatory act. For purposes of this section "necessary expenses" shall not include expenses relating to investigation or the performance of surveillance.

Sec. 11. Section 11, chapter 216, Laws of 1945 as amended by section 6, chapter 13, Laws of 1967 and RCW 90.48.035 are each amended to read as follows:

The commission shall have the authority to, and shall promulgate, amend, or rescind such rules and regulations as it shall deem necessary to carry out the provisions of this chapter, including but not limited to rules and regulations relating to standards of quality for waters of the state and for substances discharged therein in order to maintain the highest possible standards of all waters of the state in accordance with the public policy as declared in RCW 90.48-.010 (~~(7-as-such-substances-relate-to-the-characteristics-of-the-receiving-waters)~~).

Sec. 12. Section 13, chapter 139, Laws of 1967 ex. sess. and RCW 90.48.142 are each amended to read as follows:

Any person who violates any of the provisions of this chapter, or fails to perform any duty imposed by this chapter, or violates an order or other determination of the commission or the director made pursuant to the provisions of this chapter, including the conditions of a waste discharge permit issued pursuant to RCW 90.48.160, and in the course thereof causes the death of, or injury to, fish, animals, vegetation or other resources of the state, or otherwise causes a reduction in the quality of the state's waters below the standards set by the commission, thereby damaging the same, shall be liable to pay the state damages in an amount equal to the sum of money necessary to restock such waters, replenish such resources, and otherwise restore the stream, lake or other water source to its condition prior to the injury, as such condition is determined by the commission. Such damages shall be recoverable in an action brought by the attorney general on behalf of the people of the state of Washington in the superior court of the county in which such damages occurred: PROVIDED, That

if damages occurred in more than one county the attorney general may bring action in any of the counties where the damages occurred. Any money so recovered by the attorney general shall be transferred to either the state game fund (~~(fgr)~~) or the department of fisheries to use for food fish or shellfish management purposes and propagation, or to any other agency of the state having jurisdiction over the resource damaged and for which said moneys were recovered, as appropriate: PROVIDED, That the agency receiving such money shall utilize not less than one-half of said money on activities or projects within the county where the action was brought by the attorney general. No action shall be authorized under this section against any person operating in compliance with the conditions of a waste discharge permit issued pursuant to RCW 90.48.160.

Sec. 13. Section 14, chapter 139, Laws of 1967 ex. sess. and RCW 90.48.144 are each amended to read as follows:

Every person who:

- (1) Violates the terms or conditions of a waste discharge permit issued pursuant to (~~(RCW-90-48-160)~~) RCW 90.48.180, or
- (2) Conducts a commercial or industrial operation without a waste discharge permit as required by RCW 90.48.160, or
- (3) Violates the provisions of RCW 90.48.080, shall incur, in addition to any other penalty as provided by law, a penalty in the amount of one hundred dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for. The penalty herein provided for shall become due and payable when the person incurring the same receives a notice in writing from the director of the commission describing such violation with reasonable particularity and advising such person that the penalty is due. The director

may, upon written application therefor, received within fifteen days, and when deemed in the best interest to carry out the purposes of this chapter, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as he in his discretion shall deem proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may deem proper. If the amount of such penalty is not paid to the commission within fifteen days after receipt of notice imposing the same, or application for remission or mitigation has not been made within fifteen days after the violator has received notice of the disposition of such application, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any other county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund.

Sec. 14. Section 6, chapter 71, Laws of 1955 as amended by section 20, chapter 13, Laws of 1967 and RCW 90.48.210 are each amended to read as follows:

The issuance or termination of a permit, the denial of an application for a permit, or the modification of the conditions or the terms of a permit shall be deemed to be an order for purposes of ((REW-90-48-130)) RCW 90.48.135.

NEW SECTION. Sec. 15. If any provision of this 1970 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. 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 institu-

tions, and shall take effect immediately.

Passed the House February 9, 1970
Passed the Senate February 6, 1970
Approved by the Governor February 23, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 89
[Substitute House Bill No. 60]
PUBLIC STADIUM FACILITIES

AN ACT Relating to public recreation, sports and culture; levying taxes; amending section 11, chapter 236, Laws of 1967 and RCW 67.28.180; amending section 13, chapter 236, Laws of 1967 and RCW 67.28.200; amending section 14, chapter 236, Laws of 1967 and RCW 67.28.210 and declaring an emergency.

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

Section 1. Section 11, chapter 236, Laws of 1967, and RCW 67-.28.180 are each amended to read as follows:

The legislative body of any class AA county, and of any city of the first class having a population of one hundred fifty thousand or more not situated in a class AA county, is authorized to levy and collect, a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

Sec. 2. Section 13, chapter 236, Laws of 1967, and RCW 67.28-.200 are each amended to read as follows:

The legislative body of any county or city may establish reasonable exemptions and may adopt such reasonable rules and regulations as may be necessary for the levy and collection of the taxes authorized by RCW 67.28.180. The department of revenue shall perform the collection of such taxes on behalf of such county or city at no cost to such county or city.

Sec. 3. Section 14, chapter 236, Laws of 1967, and RCW 67.28-.210 are each amended to read as follows:

All taxes levied and collected under RCW 67.28.180 shall be credited to a special fund in the treasury of the county or city imposing such tax. Such taxes shall be levied only for the purpose of paying all or any part of the cost of acquisition, construction, or operating of stadium facilities or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose or purposes under this chapter, and until withdrawn for use, the moneys accumulated in such fund or funds may be invested in interest bearing securities by the county or city treasurer in any manner authorized by law.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Passed the House February 6, 1970
Passed the Senate February 10, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 90
[Substitute House Bill No. 169]
DOMESTIC ANIMALS--
INJURING OR KILLING--PENALTY

AN ACT Relating to agriculture; adding a new section to Title 9 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to Title 9 RCW a new section to read as follows:

Any person who injures or kills by shooting or poisoning any horse, mule, cattle, sheep, swine, or goat without the permission of the owner thereof and who does not commit grand larceny as defined by RCW 9.54.090 shall be guilty of a gross misdemeanor.

Passed the House February 10, 1970
Passed the Senate February 10, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 91
[House Bill No. 142]
HIGHWAYS--APPROPRIATION

AN ACT Relating to highways; making an appropriation for the maintenance and operation of state highways; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1971, the sum of two million two hundred seventy-three thousand dollars, or so much thereof as may be necessary for the maintenance and operation of state highways.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House January 23, 1970
Passed the Senate February 10, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 92
[Substitute House Bill No. 180]
PROPERTY TAXES--
MILLAGES--LIMITATIONS

AN ACT Relating to property taxes; amending section 6, chapter 91, Laws of 1947 as last amended by section 1, chapter 45, Laws of 1965 ex. sess. and RCW 41.16.060; amending section 74.04.150, chapter 26, Laws of 1959 as amended by section 66, chapter 262, Laws of 1969 ex. sess. and RCW 74.04.150; amending section 84.52.010, chapter 15, Laws of 1961 and RCW 84.52.010; amending section 1, chapter 174, Laws of 1965 ex. sess. as amended by section 1, chapter 146, Laws of 1967 ex. sess. and RCW 84.54.010; amending section 2, chapter 174, Laws of 1965 ex. sess. as amended by section 2, chapter 146, Laws of 1967 ex. sess. and RCW 84.54.020; amending section 84.52.050, chapter 15, Laws of 1961 as last amended by section 4, chapter ...

Laws of 1970 1st ex. sess. (HB 34) and RCW 84.52.050; adding a new section to chapter 15, Laws of 1961 and to chapter 84-.52 RCW; repealing sections 3 through 6, chapter 174, Laws of 1965 ex.sess., sections 3 through 6, 8 and 9, chapter 146, Laws of 1967 ex. sess., section 1, chapter 242, Laws of 1969 ex.sess., and RCW 84.54.030 through 84.54.090; and repealing section 64, chapter 262, Laws of 1969 ex. sess. and RCW 84.52.051.

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

NEW SECTION. Section 1. It is the intent of this 1970 amendatory act to prevent a potential doubling of property taxes that might otherwise result from the enforcement of the constitutionally required fifty percent assessment ratio as of January 1, 1970, and to adjust property tax millage rates for subsequent years to levels which will conform to the requirements of any constitutional amendment imposing a one percent limitation on property taxes. It is the further intent of this 1970 amendatory act that the statutory authority of any taxing district to impose excess levies shall not be impaired by reason of the reduction in millage rates for regular property tax levies. This 1970 amendatory act shall be construed to effectuate the legislative intent expressed in this section.

Sec. 2. Section 6, chapter 91, Laws of 1947 as last amended by section 1, chapter 45, Laws of 1965 ex. sess. and RCW 41.16.060 are each amended to read as follows:

It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy, to levy and place in the fund a tax of one-half of one mill on all the taxable property of such municipality: PROVIDED, That if a report by a qualified actuary on the condition of the fund establishes that the whole or any part of said millage is not necessary to maintain the actuarial soundness of the fund, the levy of said one-half of one mill may be omitted, or the whole or any part of said millage may be levied and used for any other municipal purpose.

It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy and in addition to the city (~~of fifteen-mill~~) levy limit (~~now provided by law~~) set forth in RCW 84.52.050, as now or hereafter amended, to levy and place in the fund an additional tax of one-half of one mill on all taxable property of such municipality: PROVIDED, That if a report by a qualified actuary establishes that all or any part of the additional one-half of one mill levy is unnecessary to meet the estimated demands on the fund under this chapter for the ensuing budget year, the levy of said additional one-half of one mill may be omitted, or the whole or any part of such millage may be levied and used for any other municipal purpose.

Sec. 3. Section 74.04.150, chapter 26, Laws of 1959 as amended by section 66, chapter 262, Laws of 1969 ex. sess. and RCW 74.04.150 are each amended to read as follows:

The state shall levy annually a tax not to exceed two mills upon the assessed valuation of all taxable property within the state for public assistance purposes.

~~((This section shall expire upon the date the provisions of this 1969 amendatory act which impose a tax upon net income become effective))~~ The authority of the state to make such levy shall expire as provided in RCW 84.52.050, as now or hereafter amended.

Sec. 4. Section 84.52.010, chapter 15, Laws of 1961 and RCW 84.52.010 are each amended to read as follows:

All taxes shall be levied or voted in specific amounts, and the rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the re-

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spective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively: PROVIDED, That when any such county assessor shall find that the aggregate rate of levy on any property will exceed the limitation (~~((fixed by section 27, article 7 of the state Constitution, as enacted by the seventeenth amendment))~~) set forth in RCW 84.52-.050 as now or hereafter amended, he shall recompute and establish a consolidated levy in the following manner:

(1) He shall include for extension on the tax rolls the full rates of levy certified to him for state, county, county road districts, city and school district purposes in amounts not exceeding the limitations established by law, and

(2) He shall include for extension on the tax rolls the rates percent of the tax levies certified to him by all other taxing districts imposing taxes on such property, other than port districts and public utility districts, reduced by him in such uniform percentages as will bring the consolidated tax levy on such property within the provisions of (~~(the constitutional)~~) such limitation.

Sec. 5. Section 84.52.050, chapter 15, Laws of 1961 as last amended by section 4, chapter ..., Laws of 1970 1st ex. sess. (HB 34) and RCW 84.52.050 are each amended to read as follows:

Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state, municipal corporations, taxing districts and governmental agencies, now existing or hereafter created, shall not (~~((in any year))~~) exceed (~~((forty))~~) twenty-two mills on the dollar of assessed valuation with respect to levies made in 1970 and twenty-one mills on the dollar of assessed valuation with respect to levies made in subsequent years, which assessed valuation shall be fifty percent of the true and fair value of such property in money: PROVIDED, That if an amendment to Article VII, section 2 of the state Constitution, as amended by Amendment 17, imposing a limit on property taxes of, in effect, one percent of the true and fair value of property is approved

by the voters, such aggregate of all tax levies shall not exceed twenty mills on the dollar of assessed valuation with respect to levies made in years subsequent to such voter approval;
and within and subject to the aforesaid limitation the levy by the state shall not exceed two mills to be used exclusively for the public assistance program of the state (~~((--PROVIDED, That upon and after the effective date of the provisions of chapter 262, Laws of 1969 ex. sess., as now or hereafter amended, which impose a tax upon net income, the authority of the state to levy not to exceed two mills to be used exclusively for the public assistance program of the state shall expire and such millage may be levied by any county as authorized in RCW 84.52.051,))~~) and the levy by any county shall not exceed ((eight)) four mills: PROVIDED, That if such constitutional amendment is so approved, the authority of the state to levy not to exceed two mills to be used exclusively for the public assistance program of the state shall be reduced to not to exceed one mill; and upon and after the effective date of the provisions of chapter 262, Laws of 1969 ex. sess., which impose a tax upon net income, such authority of the state shall expire and the levy by any county may exceed four mills but shall not exceed five mills; the levy by or for any school district shall not exceed (~~(fourteen))~~ seven mills: PROVIDED, That in each of the years 1967 and 1968 and 1969 and 1970 the state shall levy a property tax of four mills of which two mills shall be used exclusively for the public assistance program of the state and of which two mills shall be used exclusively for the support of the common schools; and in such years in which the state shall validly levy a property tax of two mills for the support of the common schools, the levy by or for any school district shall not exceed (~~(twelve))~~ six mills: PROVIDED FURTHER, That the levy by or for any union high school district shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any component district within a union high school district shall not exceed three-

fifths of the maximum levy permissible for any school district without a vote of the electors thereof: PROVIDED FURTHER, That the levy against any nonhigh school district for the high school district fund shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any such nonhigh school district shall not exceed the balance of such maximum permissible levy; the levy for any road district shall not exceed ~~((ten))~~ five mills; and the levy by or for any city or town shall not exceed ~~((fifteen))~~ seven and one-half mills: PROVIDED FURTHER, That counties of the fifth class and under are hereby authorized to levy from ~~((eight-~~to~~-eleven))~~ four to five and one-half mills for general county purposes and from ~~((seven-~~to~~-ten))~~ three and one-half to five mills for county road purposes if the total levy for both purposes does not exceed ~~((eighteen))~~ nine mills: PROVIDED FURTHER, That counties of the fourth and the ninth class are hereby authorized to levy ~~((nine))~~ four and one-half mills until such time as the junior taxing agencies are utilizing all the millage available to them.

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district.

Sec. 6. Section 1, chapter 174, Laws of 1965 ex. sess. as amended by section 1, chapter 146, Laws of 1967 ex. sess. and RCW 84.54.010 are each amended to read as follows:

As used in this chapter:

(1) The term "regular property tax levy" shall mean ~~((the total dollar amount of))~~ all property tax levies ~~((on property in))~~ by or for the taxing district ~~((excluding excess levies levied under the provisions of Article VII, section 2 of the Constitution of the state of Washington and chapter 84.52--RCW, excluding levies for bond debt retirement, and excluding levies pursuant to RCW 53.36.100))~~ which are subject to the aggregate limitation set forth in RCW 84.52.050, as now or hereafter amended, or which are imposed by or for a port district or a public utility district;

~~((2))--The term "revalue" or "revalued" shall mean such~~

~~changes-as-are-made-on-the-county-assessor's-valuation-of-the-prop-
erty-because-of-changes-pertaining-to-the-particular-property-includ-
ing,-but-not-limited-to,-construction-improvements,-other-changes-in
value,-and-similar-changes-made-as-to-the-property-or-properties-in
the-immediate-area;~~

~~(3))~~ (2) The term "taxing district" shall mean any taxing dis-
trict as defined in RCW 84.04.120 ((except-the-state-of-Washington)).

Sec. 7. Section 2, chapter 174, Laws of 1965 ex. sess. as
amended by section 2, chapter 146, Laws of 1967 ex. sess. and RCW
84.54.020 are each amended to read as follows:

In addition to the other limitations provided by law, ((a-tax-
ing-district's)) the regular property tax levy of a taxing district
other than the state, a county, county road district, city or town,
or school district, in any year for taxes payable in the following
year shall not exceed ((the-total-of-the-following

~~(1)--The-regular-property-tax-levy-in-that-taxing-district-in
the-preceding-year-for-taxes-payable-in-the-current-year;~~

~~(2)--A-dollar-amount-calculated-by-multiplying-the-net-in-
crease-or-decrease-of-assessed-value-in-that-taxing-district-result-
ing-from-the-appraisal-and-valuation-of-property-improved,-construe-
ted,-or-revalued,-and-resulting-from-the-addition-of-property--in
areas-annexed,-during-the-period-from-March-2-of-the-preceding-year
to-March-1-of-the-current-year-such-assessed-value-to-be-at-the-same
assessment-rate-as-utilized-in-the-preceding-year-by-the-maximum
millage-rate-of-that-taxing-district-authorized-by-law-for-taxes
levied-the-preceding-year;~~

~~(3)--An-additional-dollar-amount-calculated-by-multiplying
the-excess-of-the-maximum-millage-as-authorized-by-this-1967-amenda-
tory-act-{1967-ex.s.,-e-146}-for-such-taxing-district-(plus-in-the
case-of-cities-and-towns-the-additional-millage-required-to-be-levied
pursuant-to-RCW-41,16,060)-over-the-millage-for-the-regular-property
tax-levy-of-that-taxing-district-for-taxes-levied-the-preceding-year
by-the-total-assessed-valuation-of-the-property-as-of-March-1-of-the~~

preceeding year,

~~(4) -- And an additional dollar amount, in the case of a county, representing the increased and additional costs to be expended by the county assessor to enable the county assessor of that county to carry out any program of assessments, appraisal and valuation of property within the county required by the Constitution or laws of the state.~~

~~Unless the maximum regular property tax levy is otherwise altered as authorized by RCW 84.54.050 as amended in section 5 of this 1967 amendatory act [1967 ex. s. e-146], the maximum millage rate shall be determined by dividing the total dollar amount authorized by this section by the assessed valuation) an amount equal to one-half the amount which would be produced by a regular property tax levy if such levy was imposed at the maximum amount allowable under any otherwise applicable millage limitation. Subsection (2) of RCW 84.52.010 shall not be considered a millage limitation within the meaning of this section.~~

NEW SECTION. Sec. 8. There is added to chapter 15, Laws of 1961 and to chapter 84.52 RCW a new section to read as follows:

Any taxing district, as defined in RCW 84.04.120, authorized by provisions of law other than RCW 84.52.052 to levy taxes in excess of the forty mill limitation provided for in Article VII, section 2 of the state Constitution, as amended by Amendment 17, or in excess of a statutory millage limitation specifically applicable to such district, is hereby authorized to levy taxes in any year in excess of the applicable general limitation contained in RCW 84.52.050, as now or hereafter amended, or in excess of one-half of such specific statutory millage limitation, under the same conditions applicable to a levy by such district in excess of the forty mill limitation or in excess of such specific statutory millage limitation.

NEW SECTION. Sec. 9. There is added to chapter 15, Laws of 1961 and to chapter 84.52 RCW a new section to read as follows:

A rural library district may impose, notwithstanding the millage

limitations provided for in sections 5 and 7 of this act, a regular property tax levy in an amount equal to that which would be produced by a levy of two mills multiplied by an assessed valuation equal to twenty-five percent of the true and fair value of the taxable property in the rural library district, as determined by the department of revenue's indicated county ratio. For purposes of this section "regular property tax levy" shall mean a levy subject to the forty mill limitation provided for in Article VII, section 2 of the state Constitution.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) Sections 3 through 6, chapter 174, Laws of 1965 ex. sess., sections 3 through 6, 8 and 9, chapter 146, Laws of 1967 ex. sess., section 1, chapter 242, Laws of 1969 ex. sess. and RCW 84.54.030 through 84.54.090; and

(2) Section 64, chapter 262, Laws of 1969 ex. sess. and RCW 84.52.051.

NEW SECTION. Sec. 11. This act shall take effect July 1, 1970 but shall not affect property taxes levied in 1969 or prior years.

Passed the House February 10, 1970
Passed the Senate February 10, 1970
Approved by the Governor February 23, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 93
[House Bill No. 326]
FUNDS--INVESTMENT--
LOCAL IMPROVEMENT INSTALLMENT NOTES

AN ACT Relating to the investment of funds; amending section 35.45-.150, chapter 7, Laws of 1965 and RCW 35.45.150; adding a new section to chapter 39.60 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 39.60 RCW a new section to read as follows:

Notwithstanding the provisions of any other statute of the state of Washington to the contrary, it shall be lawful for the state of Washington and any of its departments, institutions and agencies,

municipalities, districts, and any other political subdivision, or any political or public corporation of the state, or for any executor, administrator, guardian, or conservator, trustee or other fiduciary, to invest its funds or the moneys in its custody or possession, eligible for investment, in notes, bonds, or debentures of savings and loan associations, banks, mutual savings banks, savings and loan service corporations operating with approval of the Federal Home Loan Bank, and corporate mortgage companies: PROVIDED, That the notes, bonds or debentures are rated not less than "A" by nationally recognized rating agency, or are insured or guaranteed by an agency of the federal government or by private insurer authorized to do business in the state: PROVIDED FURTHER, That the notes, bonds and debentures insured or guaranteed by a private insurer shall also be backed by a pool of mortgages equal to the amount of the notes, bonds or debentures.

Sec. 2. Section 35.45.150, chapter 7, Laws of 1965 and RCW 35-.45.150 are each amended to read as follows:

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 and sell installment notes payable out of the local improvement district fund. (~~(7-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. Appropriate notification of such application of funds shall be made by the city treas-

urer to the registered payees of said notes, except those notes owned by funds of the issuing municipality. 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)) twelve 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, or of any other registered payee presenting said note for such installment payments.

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 the 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 for *[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 and shall be considered legal investments for all national and state banks, savings and loan institutions, and any and all other commercial banking or financial institutions to the same extent that the local improvement district bonds and coupons issued pursuant to the provisions of this chapter have been and are legal investments for such institutions. Any such local improvement installment notes may be transferred or sold by said city or town upon such terms or conditions and in such manner as the local governing body of said city or town may determine, pursuant to a call for public bid: PROVIDED, HOWEVER,

That the same shall not be sold at less than par plus accrued interest.

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

NEW SECTION. 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 House February 10, 1970
Passed the Senate February 6, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 94
[Engrossed House Bill No. 21]
LOCAL SALES AND USE TAXES

AN ACT Relating to revenue and taxation; amending section 82.02.020, chapter 15, Laws of 1961 as amended by section 16, chapter 236, Laws of 1967 and RCW 82.02.020; adding a new chapter to Title 82 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that the several counties and cities of the state lack adequate sources of revenue to carry out essential county and municipal purposes. The legislature further finds that the most efficient and appropriate methods of deriving revenues for such purposes is to vest additional taxing powers in the governing bodies of counties and cities which they may or may not implement. The legislature intends, by enacting this 1970 amendatory act, to provide the means by which essential county and municipal purposes can be financially served should they choose to employ them.

NEW SECTION. Sec. 2. Notwithstanding the provisions of section 12 of this 1970 amendatory act, this 1970 act shall not take effect until the effective date of the law enacted by this 1970 extraordinary session which in effect appropriates for distribution to

cities and towns which impose a local sales and use tax, an amount of money which is sufficient to supply the difference between the amount received by cities or towns imposing taxes to the full extent authorized by this 1970 amendatory act in each calendar quarter of fiscal year 1970-1971, and the amount which such cities or towns would have received in each such quarter pursuant to section 3, chapter 282, Laws of 1969 ex. sess., if this 1970 amendatory act had not been enacted. In the event such a law is not enacted by the 1970 extraordinary session, this 1970 amendatory act shall not become effective, and shall be null and void.

NEW SECTION. Sec. 3. For purposes of this 1970 amendatory act:

(1) A retail sale consisting solely of the sale of tangible personal property shall be deemed to have occurred at the retail outlet at or from which delivery is made to the consumer;

(2) A retail sale consisting essentially of the performance of personal business or professional services shall be deemed to have occurred at the place at which such services were primarily performed;

(3) A retail sale consisting of the rental of tangible personal property shall be deemed to have occurred (a) in the case of a rental involving periodic rental payments, at the primary place of use by the lessee during the period covered by each payment, or (b) in all other cases, at the place of first use by the lessee;

(4) A retail sale within the scope of the second paragraph of RCW 82.04.050, and a retail sale of taxable personal property to be installed by the seller shall be deemed to have occurred at the place where the labor and services involved were primarily performed;

(5) "City" means a city or town;

(6) The meaning ascribed to words and phrases in chapters 82.04, 82.08 and 82.12 RCW, as now or hereafter amended, insofar as applicable, shall have full force and effect with respect to taxes imposed under authority of this 1970 amendatory act;

(7) "Taxable event" shall mean any retail sale, or any use of

an article of tangible personal property, upon which a state tax is imposed pursuant to chapter 82.08 or 82.12 RCW, as they now exist or may hereafter be amended: PROVIDED, HOWEVER, That the term shall not include a retail sale taxable pursuant to RCW 82.08.150, as now or hereafter amended.

NEW SECTION. Sec. 4. The governing body of any county or city while not required by legislative mandate to do so, may, by resolution or ordinance for the purposes authorized by this 1970 amendatory act, fix and impose a sales and use tax in accordance with the terms of this 1970 amendatory act. Such tax shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW, upon the occurrence of any taxable event within the county or city as the case may be. The rate of such tax imposed by a county shall be five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The rate of such tax imposed by a city shall not exceed five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax): PROVIDED, HOWEVER, That in the event a county shall impose a sales and use tax, the rate of such tax imposed by any city therein shall not exceed four hundred and twenty-five one-thousandths of one percent.

NEW SECTION. Sec. 5. Any county ordinance adopted pursuant to this 1970 amendatory act shall contain, in addition to all other provisions required to conform to this 1970 amendatory act, a provision allowing a credit against the county tax for the full amount of any city sales or use tax imposed upon the same taxable event.

NEW SECTION. Sec. 6. The counties and cities shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department

v- and any such amount shall revert to the general fund of the state treasury. The remainder of any portion of any tax authorized by this 1970 amendatory act which is collected by the department of revenue shall be deposited by the state department of revenue in a special fund under the custody of the state treasurer to be known as the local sales and use tax revolving fund. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this 1970 amendatory act.

NEW SECTION. Sec. 7. Bimonthly the state treasurer shall make distribution from the local sales and use tax revolving fund to the counties and cities the amount of tax collected on behalf of each county or city, less the deduction provided for in section 6 of this 1970 amendatory act.

In the event that any ordinance or resolution imposes a sales and use tax at a rate in excess of the applicable limits contained herein, such ordinance or resolution shall not be considered void in toto, but only with respect to that portion of the rate which is in excess of the applicable limits contained herein.

Sec. 8. Section 82.02.020, chapter 15, Laws of 1961 as amended by section 16, chapter 236, Laws of 1967 and RCW 82.02.020 are each amended to read as follows:

Except only as expressly provided in RCW 67.28.180 and 67.28-.190 and the provisions of this 1970 amendatory act, the state pre-emptes the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature.

NEW SECTION. Sec. 9. No determination that one or more provisions of this 1970 amendatory act, or any part thereof, are invalid shall affect the validity of the remaining provisions.

NEW SECTION. Sec. 10. It is the intent of this 1970 amenda-

tory act that any local sales and use tax adopted pursuant to this 1970 amendatory act be as consistent and uniform as possible with the state sales and use tax and with other local sales and use taxes adopted pursuant to this 1970 amendatory act. It is further the intent of this 1970 amendatory act that the local sales and use tax shall be imposed upon an individual taxable event simultaneously with the imposition of the state sales or use tax upon the same taxable event. The rule making powers of the state department of revenue contained in RCW 82.08.060 and 82.32.300 shall be applicable to this 1970 amendatory act. The department shall, as soon as practicable, and with the assistance of the appropriate associations of county prosecutors and city attorneys, draft a model resolution and ordinance. No resolution or ordinance or any amendment thereto adopted pursuant to this 1970 amendatory act shall be effective, except upon the first day of a calendar month.

NEW SECTION. Sec. 11. Sections 1 through 7 and 9 and 10 are added to and shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 12. 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 shall take effect immediately: PROVIDED HOWEVER, That each of the provisions set forth in this act shall be operative and in effect only until and including December 31, 1973, at which time this act, in its entirety, shall expire without any further action by the legislature.

Passed the House January 31, 1970
Passed the Senate February 12, 1970
Approved by the Governor February 20, 1970, with the exception
of an item in section 6, which is vetoed.
Filed in Office of Secretary of State February 24, 1970

NOTE: Governor's explanation of partial veto is as follows:
"...This bill authorizes cities and counties to
impose local retail sales and use tax of not more
than 1/2 percent.

Section 6 of the Act provides that these local
taxes shall be administered and collected by
the State Department of Revenue. To defer the

costs incurred by the state, the department is to deduct an amount to be determined by agreement between the local and state governments, not to exceed 2% of the taxes collected.

Section 6 of the bill provides that the amount set aside by agreement for administration and collection expenses shall revert to the state general fund.

No state general fund monies may be lawfully spent by any state department without legislative authorization. The 1970 Legislature has made no appropriation to the Department of Revenue for the expenses of collecting and administering the local sales tax. The funds specifically intended for this purpose would therefore be locked in the general fund until the next session of the Legislature.

To many communities, the taxes authorized by this bill will be an important tax source. In order to provide the necessary funds for the State Department of Revenue to assist the local governments in the administration and collection of the taxes authorized by this bill, I have deleted the provision reverting the funds set aside for this purpose to the General Fund.

My veto neither adds nor detracts from the purpose and authority granted to local governments by the Legislature. It will enable the Department of Revenue to receive and to spend the necessary funds to function efficiently in cooperation with municipal local governments to administer local sales tax programs.

The remainder of House Bill No. 21 is approved."

CHAPTER 95
[Engrossed Substitute House Bill No. 33]
BUDGET AND APPROPRIATIONS

AN ACT Adopting a supplemental budget; making supplemental appropriations for the fiscal biennium beginning July 1, 1969, and ending June 30, 1971; making other appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. The following sums or so much thereof as shall be found necessary are hereby appropriated out of the several funds indicated from the effective date of this act to June 30, 1971, except as otherwise provided.

DEPARTMENT OF REVENUE

General Fund Appropriation: PROVIDED, That this

appropriation shall only be used to assist counties in reevaluating real property in accordance with the provisions set forth in section 4, chapter 282, Laws of 1969 ex. sess.: PROVIDED FURTHER, That not to exceed \$70,000 of this appropriation may be used by the department to administer the property reevaluation program. \$ 3,138,238.00

COURT OF APPEALS

General Fund Appropriation \$ 1,007,656.00

WASHINGTON PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Retirement System Expense Fund Appropriation \$ 46,000.00

STATE PATROL

Motor Vehicle Fund--State Patrol Highway

Account \$ 1,000,000.00

SUPERINTENDENT OF PUBLIC INSTRUCTION

Current State School Fund Appropriation:

PROVIDED, That anticipating and expressly conditioned that \$410,000 from the General Fund Appropriation for apportionment shall be allocated by the Superintendent of Public Instruction for the exclusive use of the Temporary Special Levy Study Commission in order to carry out the provisions of chapter 235, Laws of 1969, ex. sess.: PROVIDED, That an additional sum in the amount of \$740,000 from the General Fund Appropriations made to the Superintendent by the 1969 legislature shall be placed in unallotted status and returned to the General Fund; PROVIDED, That the Superintendent of Public Instruction shall cause the neces-

sary actions to be taken which will return overpayments of \$1,600,000 made to local school districts during the 1968-69 school year to the General Fund: PROVIDED FURTHER, That the Superintendent of Public Instruction shall take effective action by March, 1970 to limit allocations from the \$1,060,000 provided for emergencies by the 1969 legislature in such a way so as not to exceed allocating \$560,000 during the remainder of the 1969-71 biennium and that of this \$560,000 the sum of \$50,000, or so much thereof as may be necessary, shall be made available for the purpose of planning pilot programs in environmental education at the Northwest Outdoor Laboratory on Whidbey Island; and, the sum of \$90,000, or so much thereof as may be necessary, shall be made available for conducting pilot programs in environmental education at the Cispus Educational Center near Randle: PROVIDED, That such sums shall be available only through contractual agreements with the Superintendent of Public Instruction and such agreements shall be filed with the Legislative Budget Committee: PROVIDED FURTHER, That for purposes of distributing general fund appropriation for general apportionment, through the school equalization formula, the amount of adjusted local property tax revenues computed for any school district shall not exceed the amount of the revenues that would

be produced using the previous year's indicated

ratio by more than five percent: \$ 1,150,000.00

STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation \$ 806,698.00

WASHINGTON STATE UNIVERSITY

General Fund Appropriation \$ 598,265.00

EASTERN WASHINGTON STATE COLLEGE

General Fund Appropriation \$ 770,182.00

CENTRAL WASHINGTON STATE COLLEGE

General Fund Appropriation \$ 87,886.00

WESTERN WASHINGTON STATE COLLEGE

General Fund Appropriation \$ 1,400,122.00

HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service

Fund Appropriation \$ 573,535.00

TEACHERS' RETIREMENT SYSTEM

Teachers' Retirement Fund Appropriation \$ 27,655.00

CANAL COMMISSION

General Fund Appropriation for the
period of July 1, 1970 through

June 30, 1971 \$ 33,142.00

General Fund - Harbor Improvement

Account Appropriation for the
period July 1, 1970 through

June 30, 1971 \$ 10,000.00

DEPARTMENT OF HEALTH

General Fund Appropriation: PROVIDED, That \$269,000 shall be used to carry out the provision of chapter 134, Laws of 1969, ex. sess.: PROVIDED FURTHER, That the Director of the Department of Health allocate \$50,000 to Spokane Kidney Center on the basis of rules and regulations

promulgated by the Department of Health, which will insure that such allocation will not diminish local support and the use of matching funds, and that the allocation shall remain on the basis of patients served \$ 319,000.00

DEPARTMENT OF INSTITUTIONS HEADQUARTERS
General Fund Appropriation: PROVIDED, That \$92,000 shall be allocated from the amounts appropriated in Chapter 282, Laws of 1969, ex. sess. from the Department of Institutions Headquarters appropriation \$ 92,000.00

V-

DEPARTMENT OF NATURAL RESOURCES
Resource Management Cost Account
Appropriation \$ 1,894,404.00

DEPARTMENT OF PUBLIC ASSISTANCE
General Fund Appropriation: PROVIDED, That not to exceed \$10,000,000 shall be used for money payments and related services resulting from caseload increases: PROVIDED FURTHER, That \$4,560,000 shall be used as a departmental emergency fund to grant exceptions to current policy and assure continuation of the medical program for categorically related medical only recipients after July 1, 1970: PROVIDED FURTHER, That from the effective date of this act through June 30, 1971, \$300,000 or as much thereof as necessary is appropriated to the general assistance program, and shall be used to pay medical costs of indigent prisoners of county and city jails or juvenile facilities in accordance with

eligibility standards to be developed by
the Department \$14,560,000.00

SPECIAL APPROPRIATION TO THE GOVERNOR

General Fund Appropriation:

There is hereby appropriated the sum of
\$4,800,000 for allocation to the Depart-
ment of Public Assistance to meet unex-
pected contingencies: PROVIDED, That no
expenditure shall be made herefrom except
such as shall be certified by the Governor
as meeting the requirement of an unantici-
pated or unforeseen condition or circum-
stance and shall be approved by a sixty
per cent majority of the Legislative Budget
Committee \$ 4,800,000.00

LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation: PROVIDED, That
the amount herein appropriated or as much
thereof as necessary shall be used for the
purpose of employing a consulting firm to
review and make findings of fact respecting
the current eligibility of welfare re-
cipients and the operation of a declara-
tion specification policy of certifying
recipient eligibility: AND PROVIDED
FURTHER, That the Legislative Budget Com-
mittee shall review and make findings of
fact respecting the stipend and sabbatical
leave programs as those programs pertain to
employees of the State of Washington and to
employees of the State's institutions of
higher education, and shall report on the
results of that study together with its

recommendations to the next regular session
of the Legislature for its consideration \$ 200,000.00

NEW SECTION. Sec. 2. The following sums, or so much thereof
as shall severally be found necessary, are hereby appropriated out
of the several funds indicated, for the period from the effective
date of this act to June 30, 1971, except as otherwise provided.

WASHINGTON STATE UNIVERSITY

General Fund--Washington State Building
Account Appropriation: For comple-
tion of the fourth floor of the Ag-
ricultural Sciences Building \$ 278,725.00

EASTERN WASHINGTON STATE COLLEGE

General Fund--Eastern Washington State
College Capital Projects Account Ap-
propriation: For completion and
equipping of the Creative Arts Com-
plex, Phase II \$ 415,000.00

CENTRAL WASHINGTON STATE COLLEGE

General Fund--Central Washington State
College Capital Projects Account Ap-
propriation: For completion of the
Language Literature Building. \$ 37,509.00

General Fund--Central Washington State
College Capital Projects Account Ap-
propriation: For completion of the
Technology and Industrial Education
Building. \$ 43,750.00

General Fund--Central Washington State
College Capital Projects Account Ap-
propriation: For property acquisi-
tion. \$ 38,500.00

General Fund--Central Washington State

College Capital Projects Account Ap-
 propriation: To remodel buildings
 and improve facilities \$ 34,200.00

General Fund--Central Washington State

College Capital Projects Account Ap-
 propriation: For landscaping \$ 110,000.00

WESTERN WASHINGTON STATE COLLEGE

General Fund--Western Washington State

College Capital Projects Account Ap-
 propriation: For land acquisition \$ 250,000.00

General Fund--Western Washington State

College Capital Projects Account Ap-
 propriation: For completion of Miller
 Hall. \$ 499,080.00

General Fund--Western Washington State

College Capital Projects Account Ap-
 propriation: For completion of Carver
 Gymnasium \$ 158,820.00

General Fund--Western Washington State

College Capital Projects Account Ap-
 propriation: For planning, design
 background work, and schematic de-
 sign. \$ 65,800.00

STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund--Community Colleges Capital

Projects Account Appropriation: For
 construction of Phase I and equipment
 for Phase II for Bellevue Community
 College \$ 8,518,517.00

General Fund--Community Colleges Capital

Projects Account Appropriation: For
 Phase I construction and equipment

for Seattle Community College Cen-
tral campus \$ 4,000,000.00
General Fund--Community Colleges Capital
Projects Account Appropriation: For
Temporary or Emergency Relocatable
Facilities controlled by the State
Board \$ 2,738,345.00
General Fund--Community Colleges Capital
Projects Account Appropriation: For
State Board for Community College
Education for Contingency Funds \$ 1,609,310.00
General Fund--Community Colleges Capital
Projects Account Appropriation: To
correct error in cash flow which re-
sulted in shortage in reappropriation \$ 194,016.00
General Fund--Public School Building
Construction Account Appropriation:
To correct error in cash flow esti-
mate which resulted in shortage in
reappropriation \$ 553,770.00

NEW SECTION. Sec. 3. There is hereby appropriated from the general fund to the State Board for Community College Education the sum of \$13,000 or so much thereof as is deposited in the state general fund from the pending sale to Bonneville Power Administration of the following described real property and any fixtures thereon, whichever amount is the lesser, for construction, repairs, remodeling, land acquisition, equipment and other capital improvements for Peninsula Community College district number 1:

A 10.24 acre parcel of land in the S 1/2 NE 1/4 NW 1/4 of Section 14, Township 30 North, Range 6 West, Willamette Meridian, Clallam County, Washington, described further in the official offer of the State Board for Community College Education to convey the property to the Bonneville Power Administration, dated January 8, 1970, and on

file in the offices of the State Board.

NEW SECTION. Sec. 4. There is hereby appropriated from the general fund to the State Board for Community College Education the sum of \$950,000 or so much thereof as is deposited in the state general fund from the pending sale to the City of Seattle of the following described real property and any fixtures thereon, whichever amount is the lesser, for construction, repairs, remodeling, land acquisition, equipment and other capital improvements for Seattle Community College district number 6:

All of Block numbered 11 of Hill Tract Addition to the City of Seattle, King County, Washington; bounded on the East by 19th Avenue, on the South by Main Street, on the West by 18th Avenue, and on the North by the imaginary center line of Washington Street, extended Easterly to its intersection with 19th Avenue.

NEW SECTION. Sec. 5. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of the several funds indicated for the period from the effective date of this act to June 30, 1971, except as otherwise provided.

TRANSFERS

General Fund--Investment Reserve Account

Appropriation: For transfer to the General Fund on June 29, 1971, pursuant to chapter 50, Laws of 1969: PROVIDED, That a lesser amount may be transferred if lower than anticipated revenues are realized \$ 3,900,000.00

General Fund--State Building Construction Account

Appropriation: To transfer the unobligated balance as of July 31, 1969 to the State Building Bond Redemption Fund \$ 285,419.15

NEW SECTION. Sec. 6. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out

of the several funds indicated, for the period from the effective date of this act to June 30, 1971, except as otherwise provided.

BELATED CLAIMS

To reimburse General Fund for expenditures from Appropriations for Belated Claims, to be disbursed on vouchers approved by the state auditor:

GENERAL FUND--Commercial Feed Account	
Appropriation	\$ 43.97
GENERAL FUND--Commission Merchants	
Account Appropriation	\$ 18.74
GENERAL FUND--Egg Inspection Account	
Appropriation	\$ 79.76
GENERAL FUND--Fertilizer, Agriculture, Mineral and Lime Account	
Appropriation	\$ 30.73
GENERAL FUND--Nursery Inspection Account	
Appropriation	\$ 36.40
GENERAL FUND--Park and Parkways Account	
Appropriation	\$ 13,666.81
GENERAL FUND--Probation Services Account	
Appropriation	\$ 625.00
GENERAL FUND--Real Estate Commission	
Account Appropriation	\$ 13,261.26
GENERAL FUND--Reclamation Revolving	
Account Appropriation	\$ 145.02
GENERAL FUND--Seed Account Appropriation	
	\$ 94.23
GENERAL FUND--Capitol Building Construc- tion Account Appropriation.	
	\$ 2,605.10
GENERAL FUND--Capitol Purchase and De- velopment Account Appropriation	
	\$ 643.03
GENERAL FUND--Driver Education Account	

Appropriation	\$	203.56
GENERAL FUND--State Board of Psychological		
Examiners Account Appropriation	\$	16.00
GAME FUND Appropriation.	\$	1,312.67
GRAIN AND HAY INSPECTION FUND		
Appropriation	\$	1,892.04
HIGHWAY SAFETY FUND Appropriation.	\$	1,662.14
MOTOR VEHICLE FUND Appropriation	\$	3,495.63
MOTOR VEHICLE FUND--State Patrol		
Highway Account Appropriation	\$	12,840.61
PUBLIC SERVICE REVOLVING FUND		
Appropriation	\$	186.37
AGRICULTURE LOCAL FUND ACCOUNT		
Appropriation	\$	515.68
CLARKE-McNARY FUND Appropriation	\$	477.58
ACCIDENT FUND Appropriation.	\$	134.77
MEDICAL AID FUND Appropriation	\$	1,442.95

JUDGMENTS

General Fund Appropriation for judgments, to be disbursed on vouchers approved by the state auditor, as follows:

EARL A. and MARY WASNER in full settlement of judgment, Thurston County Cause No. 36265	\$	14,989.29
JAMES J. KEESLING, Attorney for Robert A. Fixel in full settlement of judgment, King County Cause No. 47322		
	\$	68.00
JOHN E. CALBOM, Attorney for Goldie Soden in full settlement of judgment, Douglas County Cause No. 9493		
	\$	965.00
DORE, DUBUAR AND CUMMINS, Attorneys		

for James Winston Kane in full
settlement for judgment, King
County Cause No. 40941. \$ 516.22

SUNDRY CLAIMS

General Fund Appropriation to the
Department of Public Assistance and
to be paid by the Department of Public
Assistance to various vendors in full
settlement of services rendered to
welfare patients for the period
August 21, 1965, through December
30, 1968, and to be paid, at the rate
of ninety per cent of each late billing
received for the services rendered
during the above-mentioned dates,
on vouchers approved by the Depart-
ment of Public Assistance \$ 238,409.05

General Fund Appropriation for relief
of various individuals, firms and
corporations for sundry reasons to
be disbursed on vouchers approved
by the state auditor as follows:

EMPLOYMENT SECURITY DEPARTMENT for
an adjustment to correct the
employer's portion of OASI for
Charles Nolan Mason, for the
quarter ended December 31, 1965 \$ 30.09

COLES, O'CONNELL AND DOLAN, At-
torneys for James J. Danike in
full settlement for professional
services for Cause No. 654850,
King County, Superior Court \$ 173.00

KAY MacDONALD in full settlement for retroactive wages for the month of June, 1967	\$	29.62
WASHINGTON PUBLIC EMPLOYEES'		
RETIREMENT SYSTEM for retire- ment contributions due on retroactive pay for Kay MacDonald for the month of June, 1967	\$	3.96
NATIONAL BANK OF COMMERCE for with- holding tax due on retroactive pay for Kay MacDonald for the month of June, 1967	\$	3.00
EMPLOYMENT SECURITY DEPARTMENT for OASI due on retroactive pay for Kay MacDonald for the month of June, 1967	\$	3.16
HIGHWAY EQUIPMENT SUPPLY SERVICES for services and repairs to pool car K-0127	\$	327.08
HENDRICKS REXALL DRUG in full settle- ment for purchases by Public Assist- ance recipients	\$	78.78
ROBERT P. MALLON for MALLON MOTORS, INC. in full settlement for refund of sales tax paid on warranty and policy sales in the years 1960 through 1964	\$	4,093.67
CHARLES KEVIS in full settlement for medical expenses and loss of per- sonal property	\$	129.75
JOHN R. QUINN, M. D., in full settlement for services rendered Public Assist- ance recipient, October 13, 1962	\$	315.00

THE ANGELUS HOSPITAL, INC. in full settlement for services rendered Public Assistance recipients	\$ 13,172.15
MORTON GENERAL HOSPITAL, INC. in full settlement for services rendered Public Assistance recipient	\$ 294.75
ALOE DIVISION OF BRUNSWICK in full settlement for supplies furnished during previous biennium	\$ 99.42
XEROX CORPORATION in full settlement for services and supplies furnished during previous biennium	\$ 504.26
RAINIER TRAVEL SERVICE in full settle- ment for services furnished during previous biennium	\$ 27.00
KING COUNTY HOSPITAL for services rendered to mentally ill patients	\$ 16,638.82
WILLIAM J. BORN in full settlement for loss of personal property caused by inmate at Maple Lane School	\$ 6.00
LONNIE DUNN in full settlement for loss of personal property caused by inmate at Maple Lane School	\$ 6.00
KEN WYATT in full settlement for loss of personal property caused by patient at Western State Hospital	\$ 38.67
RALPH C. BROWN, M. D., in full settle- ment for services rendered to a patient of Western State Hospital while patient was on unauthorized leave	\$ 1,129.20
MARGARET SCHEIBER for refund of moneys paid into Judges' Retire-	

ment Fund by Judge Virgil V. Scheiber, deceased, as full settlement	\$	6,959.86
B. F. MONK, M. D., in full settlement for services rendered to a patient of Western State Hospital while patient was on unauthorized leave	\$	189.00
N. T. BLIGHT, M.D., in full settlement for services rendered to an in- dividual injured by a patient of Fircrest School	\$	21.00
CLARA CHAPMAN in full settlement for automobile damages while parked at Fircrest School	\$	12.54
RALPH HAYDEN in full settlement for automobile damages while parked at Fircrest School.	\$	15.41
MONROE BOYCE in full settlement for automobile damages while parked at Fircrest School.	\$	10.00
FLOYD E. HAMSTROM in full settlement for purchase of property located under water at Capitol Lake	\$	4,000.00
SKAGIT VALLEY HOSPITAL in full settle- ment for services rendered Public Assistance recipient, July 23, 1967, through August 24, 1967, inclusive.	\$	904.59
Retirement System Expense Fund Appro- priation to be disbursed on vouchers approved by the state auditor: EMPLOYMENT SECURITY DEPARTMENT in full settlement of claim by the Employ-		

ment Security Department upon assets of Comfort Electric Heat and Light- ing, Inc., for services rendered to the Washington Public Employees' Retirement System	\$ 179.57
Game Fund Appropriation to be disbursed on vouchers approved by the state auditor:	
GEORGE W. JULIEN in full settlement for services rendered	\$ 100.00
Liquor Board Revolving Fund Appropria- tion to be disbursed on vouchers approved by the state auditor:	
DOROTHY M. WIRKMAN in full settlement for moneys taken during a robbery at Liquor Store No. 78 on December 14, 1968.	\$ 203.20
DIHLESS H. PATANA in full settlement for moneys taken during a robbery at Liquor Store No. 605 on January 22, 1969.	\$ 251.10
Motor Vehicle Fund Appropriation to be disbursed on vouchers approved by the state auditor:	
LAKE PETROLEUM COMPANY in full settle- ment for taxes paid on gasoline lost through leakage.	\$ 453.24
INLAND TRANSPORTATION COMPANY in full settlement for refund of motor vehicle use fuel tax.	\$ 288.00
RUSSELL J. SNYDER in full settlement for damages to personal property	

caused by Highway Department em- ployee.	\$	174.57
R. E. FUTRELL in full settlement for services rendered the Department of Highways for the month of November, 1965.	\$	2,850.00
Teachers' Retirement Fund Appropriation to be disbursed on vouchers approved by the state auditor:		
EMPLOYMENT SECURITY DEPARTMENT for OASI deductions for May and June, 1967, for Virginia M. Foust.	\$	5.28
NATIONAL BANK OF COMMERCE for with- holding tax for May and June, 1967, for Virginia M. Foust	\$	7.60
WASHINGTON PUBLIC EMPLOYEES' RETIREMENT SYSTEM for retirement contributions for May and June, 1967, for Virginia M. Foust.	\$	6.60
VIRGINIA M. FOUST in full settlement for retroactive wages for May and June, 1967.	\$	46.76
CENTRAL STORES REVOLVING FUND for sup- plies furnished during previous biennium.	\$	16.74
Motor Vehicle Fund--State Patrol Highway Account Appropriation to be disbursed on vouchers approved by the state auditor:		
CENTRAL STORES REVOLVING FUND for supplies furnished during previous biennium.	\$	48.40

CRIMINAL COSTS

General Fund Appropriation reimbursing
 counties for various cost bills in
 felony cases to be disbursed on
 vouchers approved by the state
 auditor:

TREASURER, Cowlitz County.	\$	18.90
TREASURER, King County	\$	7,882.90
TREASURER, Pierce County	\$	265.20
TREASURER, Skagit County	\$	122.60
TREASURER, Snohomish County.	\$	82.00
TREASURER, Whatcom County.	\$	100.00

JOINT COMMITTEE ON HIGHER EDUCATION

General Fund Appropriation.	\$	154,513.78
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INTERIM COMMITTEE ON FISHERIES

General Fund Appropriation.	\$	5,000.00
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JOINT COMMITTEE ON NUCLEAR ENERGY

General Fund Appropriation.	\$	11,500.00
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INTERIM LEGISLATIVE COMMITTEE ON GAME, GAME FISH AND WILDLIFE

General Fund Appropriation.	\$	5,000.00
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SENATE CODE OF ETHICS BOARD

General Fund Appropriation.	\$	5,000.00
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HOUSE CODE OF ETHICS BOARD

General Fund Appropriation.	\$	5,000.00
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JOINT COMMITTEE ON GOVERNMENTAL COOPERATION

General Fund Appropriation.	\$	50,000.00
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MUNICIPAL COMMITTEE

General Fund Appropriation.	\$	45,000.00
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INTERIM LEGISLATIVE COMMITTEE ON WATER RESOURCES

General Fund Appropriation.	\$	52,000.00
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INTERIM COMMITTEE ON BANKING, INSURANCE AND TRANSPORTATION

General Fund Appropriation.	\$	110,000.00
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PUBLIC EMPLOYEES' COLLECTIVE BARGAINING INTERIM COMMITTEE

General Fund Appropriation. \$ 5,000.00

LEGISLATIVE COUNCIL

General Fund Appropriation: PROVIDED,

That the amount herein appropriated shall be used to study health care costs including but not restricted

to hospital costs. \$ 20,000.00

NEW SECTION. Sec. 7. The superintendent of public instruction is directed to allocate by July 1, 1970, from his general fund appropriation, \$2,000,000.00 for urban, racial and disadvantaged programs and the State Superintendent is authorized to allocate an additional \$4,463,000.00 for such racial, urban, and disadvantaged programs: PROVIDED, That the current level of per weighted pupil guarantee shall not be reduced by reason of the provisions of this section: PROVIDED FURTHER, That the superintendent submit to each regular session hereafter a programmed budget request for additional funds as necessary, coordinating the same with federal funds therefor.

NEW SECTION. Sec. 8. There is hereby appropriated from the general fund, to the state treasurer, the sum of three hundred thousand dollars for distribution to cities and towns as follows: Upon reports being made at the close of each quarter of the fiscal year 1970-1971 by the director of revenue to the state treasurer certifying the amount of tax collected in that quarter on behalf of each city or town which has imposed a tax to the full extent authorized by chapter ..., Laws of 1970, 41st Legislature, 2nd ex. sess. (HB No. 21), the state treasurer shall compute the amount which would have accrued to each such city and town from the ten million dollars conditionally appropriated to cities and towns for the fiscal year 1970-1971 under the provisions of section 3, chapter 282, Laws of 1969 ex. sess. had such section remained in effect for the fiscal year 1970-1971, and if the amount reported for such quarter under this section shall be less than the amount which would have accrued to such city or town

for such quarter under section 3, chapter 282, Laws of 1969 ex. sess., the treasurer shall within thirty days following the submittal of such report pay to each such city or town the difference between the two such amounts by warrant drawn upon the appropriation made by this section.

NEW SECTION. Sec. 9. Notwithstanding the provisions of any other law and in the interest of effecting economies in state government, no proposal or request for allocation of funds held by the governor for contingencies subject to approval of the legislative budget committee and the legislative council, or either of them, shall be approved on or after the effective date of this act during the fiscal biennium ending June 30, 1971. All appropriations of such funds which are unallocated on the effective date of this act shall be returned to the general fund: PROVIDED, That provisions of this section shall not apply to any contingency fund amount appropriated by the legislature in this act or by the second extraordinary session of the forty-first legislature.

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

Passed the House February 12, 1970

Passed the Senate February 12, 1970

Approved by the Governor February 23, 1970, with the exception of certain items in section 1, which are vetoed.

Filed in Office of Secretary of State February 24, 1970

NOTE: Governor's explanation of partial veto is as follows:

"...This Act is the supplemental appropriations bill passed by the 1970 Session. I have approved this Act with the following exceptions:

1. On page 3, lines 32 to 33, an appropriation of \$27,655 is provided to the Teachers' Retirement System.

The Teachers' Retirement System requested \$27,655 to provide additional investment counselling. I agree that this is desirable. However, I have reviewed the funds that the agency has in reserve status and should save in the future if they adhere to the Executive Order of October 10, 1969.

Based upon this review, I have concluded that sufficient funds are available in the present appropriation to provide the requested amount for investment counselling and this additional appropriation is unnecessary and I have therefore vetoed it.

Although the appropriation is not made directly from the general fund, I would like to emphasize that one-half of the administrative costs of the system are financed by a general fund appropriation. Even if there were no general funds involved in administrative costs of the agency, there is all too often a tendency for special fund agencies to become complacent about their expenditures. The fact that appropriations do not come directly or indirectly from the general fund does not remove the responsibility from state administrators to administer their programs in the most economical and efficient manner possible so that unnecessary tax burdens are not placed on the citizens of this state.

2. On page 4, lines 1 to 8, \$43,142 is appropriated to the Canal Commission. All agencies were advised to submit funding requests to the Office of the Governor prior to the Extraordinary Session. After careful review; critically necessary requests were submitted to the Legislature. The Canal Commission did not inform the Governor's Office of its intent to seek additional funds, and the Commission did not participate in the development of the supplemental budget as required by law.

RCW 43.88.090 requires the Governor to obtain detailed estimates and other information from agency officials for the purpose of developing budget proposals. RCW 43.88.100 requires agency officials to disclose information necessary for the Governor to determine the need for various programs and to develop his budget submission.

The activities of the Canal Commission duplicate programs of the Army Corps of Engineers, the Department of Commerce and Economic Development, the various port authorities and other state and federal agencies. The Commission has completed the primary objective for which it was established, a feasibility study concerning a Puget Sound-Grays Harbor Canal. Elimination of duplication and efficient operation of the executive branch is the responsibility of the Governor. Especially during this period of fiscal restraint, scarce funds must be expended only on the most critical needs of the state. For the above reason, I have vetoed the

\$43,142 general fund appropriation for the Canal Commission.

3. On page 4, lines 23 to 28, an appropriation of \$92,000 is provided with the following language:

DEPARTMENT OF INSTITUTIONS HEADQUARTERS
General Fund Appropriations: PROVIDED
That \$92,000 shall be allocated from
the amounts appropriated in Chapter
282, Laws of 1969, ex. sess. from the
Department of Institutions Headquar-
ters Appropriation \$92,000

It is with a great deal of reluctance that I find it necessary to veto this provision for two reasons. The language of the appropriation is in violation of Article 8, Section 4 of the Washington State Constitution in that it fails to state the purpose for which the funds are to be used. This makes it legally impossible to utilize this new appropriation as the basis for construction of the facility for which it was intended.

It is clear that the defective appropriation was intended to provide state matching funds for construction for All Faith Chapel at the Rainier School for the Mentally Retarded. The Committee responsible for raising local donations for this worthy project have succeeded in raising over \$100,000 of the \$200,000 they desire to construct the Chapel. The construction of this Chapel is highly desirable, and I will insure that the Department of Institutions will work with the Committee to aid them in meeting their fund raising goal. Should the requested general fund assistance be provided from existing appropriations, it would be necessary for the Department of Institutions to reduce by \$92,000 some of the capital projects approved by the 1969 Legislature. Because the Department has already had to curtail in excess of \$1.0 million in general fund capital projects in order to assist in meeting a potential general fund deficit, the diversion of an additional \$92,000 would result in the curtailment of critically needed treatment facilities. I cannot justify a further reduction in capital funds for this purpose. For these two reasons, I have vetoed the provision."

CHAPTER 96
[Engrossed House Bill No. 127]
JUDGES' RETIREMENT SYSTEM

AN ACT Relating to the retirement of judges of the supreme and superior courts; adding new sections to chapter 2.12 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 2.12 RCW a new section to read as follows:

(1) "Index" for the purposes of this section, shall mean, for any calendar year, that year's annual average consumer price index for urban wage earners and clerical workers, all items (1957-1959 equal one hundred) compiled by the Bureau of Labor Statistics, United States Department of Labor;

(2) Effective July 1, 1970, every pension computed and payable under the provisions of RCW 2.12.030 to any retired judge or to his widow which does not exceed four hundred fifty dollars per month shall be adjusted to that dollar amount which bears the ratio of its original dollar amount which is found to exist between the index for 1969 and the index for the calendar year prior to the effective retirement date of the person to whom, or on behalf of whom, such retirement allowance is being paid.

NEW SECTION. Sec. 2. There is added to chapter 2.12 RCW a new section to read as follows:

Any member of the Washington public employees' retirement system who is eligible to participate in the judges' retirement system, may by written request filed with the director and custodian of the two systems respectively, transfer such membership to the judges' retirement system. Upon the receipt of such request, the director of the Washington public employees' retirement system shall transfer to the state treasurer (1) all employees' contributions and interest thereon belonging to such member in the employees' savings fund and all employers' contributions credited or attributed to such member in the benefit account fund and (2) a record of service

credited to such member. One half of such service but not in excess of twelve years shall be computed and credited to such member as though such service was performed as a member of the judges' retirement system. Upon such transfer being made the state treasurer shall deposit such moneys in the judges' retirement fund. In the event that any such member should terminate judicial service prior to his entitlement to retirement benefits under any of the provisions of chapter 2.12 RCW, he shall upon request therefor be repaid from the judges' retirement fund an amount equal to the amount of his employees' contributions to the Washington public employees' retirement system and interest plus interest thereon from the date of the transfer of such moneys: PROVIDED, HOWEVER, That this section shall not apply to any person who is retired as a judge as of the effective date of this act.

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 shall take effect immediately.

Passed the House February 12, 1970
Passed the Senate February 12, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 97
[House Bill No. 158]
DEBT ADJUSTING--
LENDERS OR REAL ESTATE DEVELOPERS, USURY

AN ACT Relating to debtors and lenders; amending section 1, chapter 201, Laws of 1967 and RCW 18.28.010; and amending section 1, chapter 142, Laws of 1969, 1st ex. sess., and RCW 19.52.080.

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

Section 1. Section 1, chapter 201, Laws of 1967 and RCW 18-.28.010 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Debt adjusting" means the managing, counseling, settling, adjusting, prorating, or liquidating of the indebtedness of a debtor, or receiving funds for the purpose of distributing said funds among creditors in payment or partial payment of obligations of a debtor.

(2) "Debt adjuster", which includes any person known as a debt pooler, debt manager, debt consolidator, debt prorater, or credit counselor, is any individual person engaging in or holding himself out as engaging in the business of debt adjusting for compensation.

The term shall not include:

(a) Attorneys at law, escrow agents, accountants, broker-dealers in securities, or investment advisors in securities, while performing services solely incidental to the practice of their professions;

(b) Any person, partnership, association, or corporation doing business under and as permitted by any law of this state or of the United States relating to banks, small loan companies, industrial loan companies, trust companies, mutual savings banks, savings and loan associations, building and loan associations, credit unions, crop credit associations, development credit corporations, industrial development corporations, title insurance companies, or insurance companies.

(c) Persons who, as employees on a regular salary or wage of an employer not engaged in the business of debt adjusting, perform credit services for their employer;

(d) Public officers while acting in their official capacities and persons acting under court order;

(e) Any person while performing services incidental to the dissolution, winding up or liquidation of a partnership, corporation, or other business enterprise.

(f) Nonprofit organizations dealing exclusively with debts owing from commercial enterprises to business creditors.

(g) Nonprofit organizations engaged in debt adjusting and which do not assess against the debtor a service charge in excess of

five dollars per month.

(3) "Debt adjusting agency" is any partnership, corporation, or association engaging in or holding itself out as engaging in the business of debt adjusting.

(4) "License" means a debt adjuster license or debt adjusting agency license issued under the provisions of this chapter.

(5) "Licensee" means a debt adjuster or debt adjusting agency to whom a license has been issued under the provisions of this chapter.

(6) "Director" means the director of the department of motor vehicles.

Sec. 2. Section 1, chapter 142, Laws of 1969, 1st ex. sess., and RCW 19.52.080 are each amended to read as follows:

Corporations, Massachusetts trusts, associations, ((and)) limited partnerships, and persons engaged in the business of lending money or the development or improvement of real estate in the state of Washington may not plead the defense of usury nor maintain any action thereon: PROVIDED, HOWEVER, That this section shall apply only to a transaction which involves an amount in excess of one hundred thousand dollars.

Passed the House February 12, 1970
Passed the Senate February 12, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 98
[House Bill No. 162]
SCHOOLS, COLLEGES, UNIVERSITIES--
CIVIL DISTURBANCES--PENALTIES

AN ACT Relating to civil disturbances; and providing penalties.

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

NEW SECTION. Section 1. It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty member or student of any university, college, community college or public school who is in the peaceful discharge or conduct of his duties or studies.

NEW SECTION. Sec. 2. It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty member or student of any university, college, community college or public school who is in the peaceful discharge or conduct of his duties or studies.

NEW SECTION. Sec. 3. The crimes defined in this act shall not apply to school administrators or teachers who are engaged in the reasonable exercise of their disciplinary authority.

NEW SECTION. Sec. 4. Any person guilty of violating this act shall be deemed guilty of a gross misdemeanor and, upon conviction thereon, shall be fined not more than five hundred dollars, or imprisoned in jail not more than six months or both such fine and imprisonment.

NEW SECTION. Sec. 5. SEVERABILITY. 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.

Passed the House February 12, 1970
Passed the Senate February 11, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 99
[Engrossed House Bill No. 173]
APPROPRIATIONS--
LEGISLATIVE EXPENSE AND MEMBERS' SUBSISTENCE--
LEGISLATIVE COUNCIL

AN ACT Relating to the expenses and costs of the legislature including subsistence payments and expenses of members; making appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated out of the state general fund to the legislature the sum of two hundred forty-six thousand and nineteen dollars (\$246,019) or so much there-

of as may be necessary for the purpose of paying the expenses and costs of the legislature including payment to members of the legislature and the president of the Senate in lieu of subsistence and lodging while in attendance at the second extraordinary session of the forty-first legislature. From the amount hereby appropriated:

(1) The Senate shall not expend more than one hundred thirty-seven thousand three hundred fifty dollars (\$137,350); and

(2) The House of Representatives shall not expend more than one hundred eight thousand six hundred sixty-nine dollars (\$108,669): 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.

NEW SECTION. Sec. 2. There is hereby appropriated out of the general fund, to the legislative council for salaries, wages and operations, the sum of thirteen thousand two hundred dollars (\$13,200).

NEW SECTION. 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 and section 5, chapter 212, Laws of 1969 extraordinary session, salaries, wages and operations, the sum of two thousand one hundred twenty dollars (\$2,120) or so much thereof as is necessary, to pay additional costs related to preparing and drafting bills for the legislature and the legislative information system.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 12, 1970
Passed the Senate February 12, 1970
Approved by the Governor February 20, 1970
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CHAPTER 100
[Engrossed House Bill No. 201]
MOTOR VEHICLES--
AUTO STAGES--PRIVATE CARRIER BUSES

AN ACT Relating to the regulation of motor vehicles; amending section 3, chapter 16, Laws of 1963 as last amended by section 1, chapter 12, Laws of 1969 ex. sess., and RCW 46.61.410; amending section 2, chapter 16, Laws of 1963 as amended by section 1, chapter 25, Laws of 1967 and RCW 46.61.405; amending section 1, chapter 20, Laws of 1967 ex. sess. as amended by section 1, chapter 68, Laws of 1969 ex. sess. and RCW 46.20.440; amending section 46.37.190, chapter 12, Laws of 1961 as last amended by section 53, chapter 155, Laws of 1965 ex. sess. and RCW 46.37.190; amending section 46.37.290, chapter 12, Laws of 1961 and RCW 46.37.290; amending section 48, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.350; adding a new section to chapter 12, Laws of 1961 and to chapter 46.04 RCW; adding a new section to chapter 12, Laws of 1961 and to chapter 46.61 RCW; and declaring an emergency.

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

Section 1. Section 3, chapter 16, Laws of 1963 as last amended by section 1, chapter 12, Laws of 1969 ex. sess., and RCW 46.61.410 are each amended to read as follows:

(1) Subject to subsection (2) below the state highway commission may increase the maximum speed limit on any highway or portion thereof to not more than seventy miles per hour whenever said commission determines upon the basis of an engineering and traffic investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the highway. The greater maximum limit so determined shall be effective, when appropriate signs giving notice thereof are erected, or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided

in subsection (4) of this section.

Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs or in the case of auto stages, as indicated in said written notice; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

(2) The maximum speed limit for vehicles over ten thousand pounds gross weight and vehicles in combination except auto stages shall not exceed sixty miles per hour and may be established at a lower limit by the state highway commission as provided in RCW 46-.61.405.

(3) The word "trucks" used by the state highway commission on signs giving notice of maximum speed limits shall mean vehicles over ten thousand pounds gross weight and all vehicles in combination except auto stages.

(4) Whenever the state highway commission shall establish maximum speed limits for auto stages lower than the maximum limits for automobiles, the secretary of the state highway commission shall mail notice thereof to each auto transportation company holding a certificate of public convenience and necessity issued by the Washington utilities and transportation commission. The notice shall be mailed to the chief place of business within the state of Washington of each auto transportation company or if none then its chief place of business without the state of Washington.

Sec. 2. Section 2, chapter 16, Laws of 1963 as amended by section 1, chapter 25, Laws of 1967 and RCW 46.61.405 are each amended to read as follows:

Whenever the state highway commission shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater than is reasonable or safe under the conditions found to exist at any intersection or upon any other part of the state highway system or at state ferry terminals, said commission may determine and declare a lower reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected. Such a maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective (a) when posted upon appropriate fixed or variable signs or (b) if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of section 1 of this 1970 amendatory act.

NEW SECTION. Sec. 3. There is added to chapter 12, Laws of 1961 and to chapter 46.04 RCW a new section to read as follows:

"Private carrier bus" means every motor vehicle designed for the purpose of carrying passengers (having a seating capacity for eleven or more persons) used regularly to transport persons in furtherance of any organized agricultural, religious or charitable purpose. Such term does not include buses operated by common carriers under a franchise granted by any city or town or the Washington Public Utilities Commission.

Sec. 4. Section 1, chapter 20, Laws of 1967 ex. sess. as amended by section 1, chapter 68, Laws of 1969 ex. sess. and RCW 46-.20.440 are each amended to read as follows:

It shall be unlawful for a person to operate for compensation upon the public highway any motor-truck, truck-tractor, school bus, private carrier bus, auto stage or for-hire vehicle as defined by RCW

46.04.310, 46.04.650, 46.04.521, 46.04.050 ((and)), 46.04.190 and section 3 of this 1970 amendatory act respectively, found by the director to require special operating skills as hereafter provided, unless the driver shall have successfully completed an examination, in addition to the examinations in RCW 46.20.130, demonstrating the ability of the driver to operate and maneuver the vehicle or vehicles upon the public highway in a manner not to jeopardize the safety of persons or property: PROVIDED, That this requirement shall not apply to any person hauling farm commodities from the farm to the processing plant or shipping point, not to exceed a radius of fifty miles from the farm.

The director may issue a temporary permit to an applicant for a period not to exceed ninety days. This temporary permit may be renewed for one additional ninety-day period. The director shall collect a two dollar fee for said temporary permit, or renewal, and the said fee shall be deposited in the highway safety fund.

The director shall upon completion of such tests specially endorse the driver's license of the applicant to indicate the type of vehicle qualifications met.

Sec. 5. Section 46.37.190, chapter 12, Laws of 1961 as last amended by section 53, chapter 155, Laws of 1965 ex. sess. and RCW 46.37.190 are each amended to read as follows:

(1) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.

(2) Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a "stop" signal upon a background not less than fourteen by eighteen inches displaying the word "stop" in letters of distinctly contrasting colors not less than eight inches high, and shall further be equipped with signal lamps mounted as high and

as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and those*[these] lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(3) A police vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately flashing red lights specified herein.

(4) The alternately flashing lighting described in subsections (2) and (3) of this section shall not be used on any vehicle other than a school bus, a private carrier bus or an authorized emergency vehicle.

(5) The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in RCW 46.61.210 ((and)) RCW 46.61.370 and section 7 of this 1970 amendatory act.

Sec. 6. Section 46.37.290, chapter 12, Laws of 1961 and RCW 46.37.290 are each amended to read as follows:

(1) The state commission on equipment is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses and private carrier buses consistent with the provisions of this chapter, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.

(2) It shall be unlawful to operate any flashing warning signal light on any school bus or private carrier bus except when any said ((seheel)) bus is stopped on a highway for the purpose of permitting ((seheel-ehildren)) passengers to board or alight from said ((seheel)) bus. The term flashing signal as used herein shall not include an electric turn signal.

Sec. 7. Section 48, chapter 155, Laws of 1965 ex. sess. and

RCW 46.61.350 are each amended to read as follows:

(1) The driver of any motor vehicle carrying passengers for hire, other than a passenger car, or of any school bus or private carrier bus carrying any school child, or other passenger, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

(2) No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

NEW SECTION. Sec. 8. There is added to chapter 12, Laws of 1961 and to chapter 46.61 RCW a new section to read as follows:

(1) The driver of a vehicle upon overtaking or meeting from either direction any private carrier bus which has stopped on the highway for the purpose of receiving or discharging any passenger shall stop the vehicle before reaching such private carrier bus when there is in operation on said bus a visual signal as specified in RCW 46.37.190 and said driver shall not proceed until such bus resumes motion or is signaled by the bus driver to proceed or the visual signals are no longer activated.

(2) Every private carrier bus shall bear upon the front and rear thereof plainly visible signs containing the words "PRIVATE CARRIER BUS" in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of RCW 46.37.190 which shall be actuated by the driver of said

private carrier bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging passengers, except:

(a) When the passengers boarding or alighting do not have to cross a highway and the bus is stopped completely off the main traveled portion of the roadway; or

(b) When the bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic control signal.

(3) The driver of a vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150, need not stop upon meeting or passing a private carrier bus which is on a separate roadway or when upon a limited access highway and the private carrier bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

NEW SECTION. Sec. 9. 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 shall take effect immediately.

Passed the House February 12, 1970
Passed the Senate February 12, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 101
[Engrossed Substitute House Bill No. 232]
TAXES--DEDUCTIONS--FINANCIAL INSTITUTIONS--
SHARES OF STOCK

AN ACT Relating to revenue and taxation; amending section 79, chapter 235, Laws of 1945 and RCW 33.28.040; amending section 82.04.430, chapter 15, Laws of 1961 as last amended by section 11, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.430; adding a new section to chapter 15, Laws of 1961 and to chapter 82.04 RCW; repealing section 82.04.400, chapter 15, Laws of 1961, section 1, chapter 136, Laws of 1963, section 8, chapter 173, Laws of 1965 ex. sess., section 1, chapter 246,

Laws of 1969 ex. sess., and RCW 82.04.400; repealing sections 84.40.270, 84.40.280, 84.40.290, 84.40.300 and 84.40.310, chapter 15, Laws of 1961 and RCW 84.40.270, 84.40.280, 84.40-.290, 84.40.300 and 84.40.310; prescribing an effective date; and declaring an emergency.

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

Section 1. Section 79, chapter 235, Laws of 1945 and RCW 33-.28.040 are each amended to read as follows:

The fees herein provided for shall be in lieu of all other corporation fees, licenses, or excises for the privilege of doing business, except for business and occupation taxes imposed pursuant to chapter 82.04 RCW, notwithstanding any other provisions of this section.

Neither an association nor its members shall be taxed upon its savings accounts as property. An association shall be taxable upon its real and tangible personal property.

An association is a mutual institution for savings and neither it nor its property shall be taxed under any law which shall exempt banks or other savings institutions from taxation.

For all purposes of taxation, the assets represented by the contingent fund and other reserves (other than reserves for expenses and specific losses) of an association shall be deemed its only permanent capital and, in computing any tax, whether property, income, or excise, appropriate adjustments shall be made to give effect to the mutual nature of such association.

Sec. 2. Section 82.04.430, chapter 15, Laws of 1961 as last amended by section 11, chapter 173, Laws of 1965 ex. sess., and RCW 82.04.430 are each amended to read as follows:

In computing tax there may be deducted from the measure of tax the following items:

(1) Amounts derived by persons, other than those engaging in banking, loan; security, or other financial businesses, from investments or the use of money as such, and also amounts derived as divi-

dends by a parent from its subsidiary corporations;

(2) Amounts derived from bona fide initiation fees, dues, contributions, donations, tuition fees, charges made for operation of privately operated kindergartens, and endowment funds. This paragraph shall not be construed to exempt any person, association, or society from tax liability upon selling tangible personal property or upon providing facilities or services for which a special charge is made to members or others. Dues which are for, or graduated upon the amount of service rendered by the recipient thereof are not permitted as a deduction hereunder;

(3) The amount of cash discount actually taken by the purchaser. This deduction is not allowed in arriving at the taxable amount under the extractive or manufacturing classifications with respect to articles produced or manufactured, the reported values of which, for the purposes of this tax, have been computed according to the provisions of RCW 82.04.450;

(4) The amount of credit losses actually sustained by taxpayers whose regular books of account are kept upon an accrual basis;

(5) So much of the sale price of motor vehicle fuel as constitutes the amount of tax imposed by the state or the United States government upon the sale thereof;

(6) Amounts derived from business which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(7) Amounts derived by any person as compensation for the receiving, washing, sorting, and packing of fresh perishable horticultural products and the material and supplies used therein when performed for the person exempted in RCW 82.04.330, either as agent or as independent contractor;

(8) Amounts derived as compensation for services rendered or to be rendered to patients by a hospital, as defined in chapter 70.41, devoted to the care of human beings with respect to the prevention or treatment of disease, sickness, or suffering, when such hospital

is operated by the United States or any of its instrumentalities, or by the state, or any of its political subdivisions;

(9) Amounts derived as compensation for services rendered to patients by a hospital, as defined in chapter 70.41, which is operated as a nonprofit corporation, nursing homes and homes for unwed mothers operated as religious or charitable organizations, but only if no part of the net earnings received by such an institution inures directly or indirectly, to any person other than the institution entitled to deduction hereunder. In no event shall any such deduction be allowed, unless the hospital building is entitled to exemption from taxation under the property tax laws of this state;

(10) By those engaged in banking, loan, security or other financial businesses, amounts derived from interest received on investments or loans primarily secured by first mortgages or trust deeds on nontransient residential properties;

(11) By those engaged in banking, loan, security or other financial businesses, amounts derived from interest paid on all obligations of the state of Washington, its political subdivisions, and municipal corporations organized pursuant to the laws thereof.

(12) Amounts derived as interest on loans by a lending institution which is owned exclusively by its borrowers or members and which is engaged solely in the business of making loans for agricultural production.

NEW SECTION. Sec. 3. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows:

This chapter shall not apply to the gross income of credit unions organized under the laws of this state or the United States.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

(1) Section 82.04.400, chapter 15, Laws of 1961, section 1, chapter 136, Laws of 1963, section 8, chapter 173, Laws of 1965 ex. sess., section 1, chapter 246, Laws of 1969 ex. sess., and RCW 82-

.04.400;

(2) Sections 84.40.270, 84.40.280, 84.40.290, 84.40.300, and 84.40.310, chapter 15, Laws of 1961, and RCW 84.40.270, 84.40.280, 84.40.290, 84.40.300, and 84.40.310.

NEW SECTION. Sec. 5. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect March 1, 1970.

Passed the House February 12, 1970

Passed the Senate February 12, 1970

Approved by the Governor February 20, 1970

Filed in Office of Secretary of State February 24, 1970

CHAPTER 102
[Engrossed House Bill No. 253]
COLLEGES AND UNIVERSITIES--
STUDENT FEES--
COMMISSION ON HIGHER EDUCATION

AN ACT Relating to higher education; amending section 2, chapter 66, Laws of 1915 as last amended by section 1, chapter 181, Laws of 1963 and RCW 28.77.030; amending section 1, chapter 164, Laws of 1921 as last amended by section 1, chapter 180, Laws of 1963 and RCW 28.80.030; amending section 3, chapter 13, Laws of 1961 ex. sess. as amended by section 10, chapter 47, Laws of 1967 and RCW 28.81.080; amending section 28B.15.200, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.200; amending section 28B.15.300, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.300; and amending section 28B.15.400, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.400; amending section 2, chapter 263, Laws of 1969 ex. sess. and RCW 28.90.110 and RCW 28B.81.020; declaring an emergency; and providing for the expiration of sections thereof.

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

Section 1. Section 2, chapter 66, Laws of 1915 as last amended by section 1, chapter 181, Laws of 1963 and RCW 28.77.030 are each amended to read as follows:

The board of regents of the University of Washington shall charge to and collect from each of the students registering therein such general tuition fees, incidental fees and other fees as it shall in its discretion determine: PROVIDED, That such general tuition fees and incidental fees for quarters other than summer session shall be in at least the following amounts:

(1) For schools and departments other than the schools of medicine and dentistry, for

(a) Resident students

(i) General tuition fees, thirty-five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fees, will be not less than seventy dollars: PROVIDED, That the total of the general tuition fees together with incidental fees shall not exceed an amount of three hundred fifty dollars in any one academic year exclusive of the summer session.

(b) Nonresident students

(i) General tuition fee, not less than one hundred five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than one hundred fifty dollars.

(2) For schools of medicine and dentistry, for

(a) Resident students except physical and occupational therapy students

(i) General tuition fee, not less than one hundred dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than one hundred fifty dollars.

(b) Nonresident students except physical and occupational therapy students

(i) General tuition fee, not less than one hundred sixty-five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than two hundred fifty dollars.

(c) Resident physical and occupational therapy students

(i) General tuition fee, not less than sixty-five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than one hundred ten dollars.

(d) Nonresident physical and occupational therapy students

(i) General tuition fee, not less than one hundred twenty-five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than two hundred ten dollars.

The term "resident students" as used in this section shall mean full-time students who have been domiciled in this state at least one year prior to the commencement of the quarter for which he registers, the children and spouses of federal employees residing within the state, and children and spouses of military personnel assigned to the University of Washington and children and spouses of staff members of the university. The term "nonresident students" shall mean all full-time students other than resident students.

The term "general tuition fees" as used in this section shall mean the general tuition fee charged students registered at the university for quarters other than summer session which fees are to be used solely for the purposes prescribed in RCW 28.77.040. The term "incidental fees" as used in this section shall include the fees, other than general tuition fees, charged all students registering at the university for quarters other than summer sessions but shall not include fees for short courses, marine station work, correspond-

ence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, laboratory, gymnasium, health and student activity fees, or fees, charges, rentals and other income derived from any of*[or] all revenue-producing lands, buildings and facilities of the university heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon or such other special fees as may be established by such board from time to time.

Sec. 2. Section 1, chapter 164, Laws of 1921 as last amended by section 1, chapter 180, Laws of 1963 and RCW 28.80.030 are each amended to read as follows:

The board of regents of Washington State University shall charge to and collect from each of the students registered therein such general tuition fee, incidental fees, and other fees as it shall in its discretion determine: PROVIDED, That such general tuition and incidental fees for semesters other than summer session shall be in at least the following amounts:

A. For schools, colleges and departments other than the college of veterinary medicine, for

(1) Resident students:

(a) General tuition fee, fifty-two dollars and fifty cents;

and

(b) Incidental fees, an amount which, together with such general tuition fees, will be not less than one hundred five dollars:

PROVIDED, That the total of the general tuition fees together with incidental fees shall not exceed an amount of three hundred fifty dollars in any one academic year exclusive of the summer session.

(2) Nonresident students:

(a) General tuition fee, one hundred fifty-seven dollars and fifty cents, and

(b) Incidental fees an amount which, together with such general tuition fee, will be not less than two hundred twenty-five dollars.

B. For the college of veterinary medicine, for

(1) Resident students:

(a) General tuition fee, not less than fifty-two dollars and fifty cents; and

(b) Incidental fees, an amount which, together with such general tuition fee, will be not less than one hundred fifty-five dollars.

(2) Nonresident students:

(a) General tuition fee, not less than one hundred fifty-seven dollars and fifty cents; and

(b) Incidental fees, an amount which, together with such general tuition fee, will be not less than three hundred twenty-five dollars.

The term "resident students" as used in this section shall mean full-time students who have been domiciled in this state at least one year prior to the commencement of the semester for which he registers, the children and spouses of federal employees residing within the state, and children and spouses of military personnel assigned to Washington State University and children and spouses of staff members of the university. The term "nonresident students" shall mean all full-time students other than resident students.

The term "general tuition fee" as used in this section shall mean the general tuition fee charged students registered at the university for semesters other than summer session, which fees are to be used solely for purposes provided in RCW 28.80.040. The term "incidental fees" as used in this section shall include the fees, other than general tuition fees, charged all students registering at the university for semesters other than summer session but shall not include fees for short courses, experimental station work, corre-

spondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, laboratory, gymnasium, health and student activity fees, or fees, charges, rentals and other income derived from any or all revenue-producing lands, buildings and facilities of the university heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon or such other special fees as may be established by such board from time to time.

Sec. 3. Section 3, chapter 13, Laws of 1961 ex. sess. as amended by section 10, chapter 47, Laws of 1967 and RCW 28.81.080 are each amended to read as follows:

The boards of trustees of Eastern Washington State College, Central Washington State College, Western Washington State College and Southwestern Washington State College shall, each quarter other than summer session charge to and collect from each of the full time students registered at the respective colleges general tuition fee and incidental fees as follows:

(1) Resident students

(a) General tuition fee, not less than fifteen dollars; and

(b) Incidental fees an amount which, together with such general tuition fee, will be not more than ~~((eighty-eight))~~ one hundred twenty dollars.

(2) Nonresident students

(a) General tuition fee, not less than forty-five dollars;

and

(b) Incidental fees, an amount which, together with such general tuition fee, will be not more than ~~((one-hundred-fifty-seven))~~ two hundred forty dollars.

The term "incidental fees" as used in this section, without limiting the generality thereof, should be deemed to include all

building fees, (except the above denominated general tuition fees), student activity fees, laboratory, library, gymnasium, and health fees charged all students registering at each college.

The term "resident students" as used in this section shall mean full-time students who have been domiciled in this state at least one year prior to the date of their registration and the children and spouses of federal employees residing within the state and children and spouses of staff members of the colleges. The term "nonresident students" shall mean all full-time students other than resident students.

In addition to the foregoing fees, the boards of trustees of the state colleges are authorized to make such charges as each board shall in its discretion determine, for application for admission, part time instruction, summer sessions, short courses, correspondence courses, extension courses, noncredit instruction, deposits, breakage, disciplinary infractions, late registration, change of program, diplomas, special individual instruction or examination or service; material, textbooks, yearbooks, equipment rental, or transportation, and to make and establish such charges and rentals as they may in their discretion determine for the use of all revenue-producing lands, buildings, and facilities of each college, heretofore or hereafter acquired, constructed, or installed, including but not limited to income from rooms, dormitories, dining rooms, hospital, infirmaries, housing, or student activity buildings or facilities, vehicular parking facilities, land, or the appurtenances thereon.

Sec. 4. Section 28B.15.200, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.200 are each amended to read as follows:

Minimum general tuition fees and incidental fees at the University of Washington other than at summer quarters shall be as follows:

(1) For schools and departments other than the schools of medicine and dentistry, for

(a) Full time resident students

(i) General tuition fee, thirty-five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fees, will be not less than seventy dollars: PROVIDED, That the total of the general tuition fees together with incidental fees shall not exceed an amount of three hundred fifty dollars in any one academic year exclusive of the summer session.

(b) Full time nonresident students

(i) General tuition fee, not less than one hundred five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than one hundred fifty dollars.

(2) For schools of medicine and dentistry, for

(a) Full time resident students except physical and occupational therapy students

(i) General tuition fee, not less than one hundred dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than one hundred fifty dollars.

(b) Full time nonresident students except physical and occupational therapy students

(i) General tuition fee, not less than one hundred sixty-five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than two hundred fifty dollars.

(c) Full time resident physical and occupational therapy students

(i) General tuition fee, not less than sixty-five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than one hundred ten dollars.

(d) Full time nonresident physical and occupational therapy students

(i) General tuition fee, not less than one hundred twenty-five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than two hundred ten dollars.

Sec. 5. Section 28B.15.300, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.300 are each amended to read as follows:

Minimum general tuition fees and incidental fees at Washington State University other than at summer semesters' shall be as follows:

A. For schools, colleges and departments other than the college of veterinary medicine, for

(1) Full time resident students:

(a) General tuition fee, fifty-two dollars and fifty cents;

and

(b) Incidental fees, an amount which, together with such general tuition fees, will be not less than one hundred five dollars:

PROVIDED, That the total of the general tuition fees together with incidental fees shall not exceed an amount of three hundred fifty dollars in any one academic year exclusive of the summer session.

(2) Full time nonresident students:

(a) General tuition fee, one hundred fifty-seven dollars and fifty cents; and

(b) Incidental fees, an amount which, together with such general tuition fee, will be not less than two hundred twenty-five dollars.

B. For the college of veterinary medicine, for

(1) Full time resident students:

(a) General tuition fee, not less than fifty-two dollars and fifty cents; and

(b) Incidental fees, an amount which, together with such general tuition fee, will be not less than one hundred fifty-five dollars.

(2) Full time nonresident students:

(a) General tuition fee, not less than one hundred fifty-seven dollars and fifty cents; and

(b) Incidental fees, an amount which, together with such general tuition fee, will be not less than three hundred twenty-five dollars.

Sec. 6. Section 28B.15.400, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.400 are each amended to read as follows:

The board of trustees of Eastern Washington State College, Central Washington State College, Western Washington State College and the Evergreen State College shall, each quarter other than summer session charge to and collect from each of the full time students registered at the respective colleges general tuition fee and incidental fees as follows:

(1) Full time resident students:

(a) General tuition fee, not less than fifteen dollars; and

(b) Incidental fees, an amount which, together with such general tuition fee, will be not more than (~~eighty-eight~~) one hundred twenty dollars.

(2) Full time nonresident students:

(a) General tuition fee, not less than forty-five dollars;

(b) Incidental fees, an amount which, together with such general tuition fee, will be not more than (~~one-hundred-fifty-seven~~) two hundred forty dollars.

NEW SECTION. Sec. 7. Notwithstanding the provisions of this 1970 amendatory act, the boards of regents of the University of Washington and Washington State University, and the boards of trustees of Eastern Washington State College, Central Washington State College, Western Washington State College and the Evergreen State College may waive during the period September 1, 1970, to June 30, 1971, the general tuition fees, incidental fees and special fees in whole or in part for up to one percent of the full time enrolled students at said universities and colleges for needy and economically disadvan-

tagged students, in addition to that waiver of fees for needy and economically disadvantaged students provided in chapter 282, Laws of 1969 ex. sess.

NEW SECTION. Sec. 8. 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 shall take effect immediately: PROVIDED, That sections 1, 2, 3, and 7 hereof only shall become effective at such time and sections 1, 2, and 3 shall be effective only until Title 28B RCW shall take effect, upon which date sections 1, 2, and 3 hereof become void and of no effect and sections 4, 5, and 6 of this 1970 amendatory act shall become effective.

Sec. 9. Section 2, chapter 263, Laws of 1969 ex. sess. and RCW 28.90.110 are each amended to read as follows:

The commission shall select a chairman from among its members by a majority vote (~~(--PROVIDED, That said chairman shall not also be the chairman of the council on higher education)~~).

Sec. 10. Section 2, chapter 263, Laws of 1969 and RCW 28B.81-.020 are each amended to read as follows:

The commission shall select a chairman from among its members by a majority vote (~~(--PROVIDED, That said chairman shall not also be the chairman of the council on higher education)~~).

NEW SECTION. Sec. 11. Notwithstanding any other provision of this 1970 amendatory act, section 9 hereof shall only be effective until chapter 223, Laws of 1969 ex. sess. becomes effective, at which time section 9 hereof will become void and of no effect and section 10 hereof will become effective.

Passed the House February 9, 1970
Passed the Senate February 11, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 103
[Substitute House Bill No. 312]
STATE BUILDING AUTHORITY

AN ACT Relating to the state building authority; amending section 2, chapter 162, Laws of 1967 as amended by section 1, chapter 261, Laws of 1969 ex. sess. and RCW 43.75.020; amending section 3, chapter 162, Laws of 1967 and RCW 43.75.030; amending section 6, chapter 162, Laws of 1967 as amended by section 2, chapter 27, Laws of 1969 ex. sess. and RCW 43.75.060; amending section 7, chapter 162, Laws of 1967 and RCW 43.75.070; amending section 8, chapter 162, Laws of 1967 and RCW 43.75-.080; amending section 9, chapter 162, Laws of 1967 and RCW 43.75.090; amending section 10, chapter 162, Laws of 1967 and RCW 43.75.100; amending section 12, chapter 162, Laws of 1967 as amended by section 3, chapter 27, Laws of 1969 ex. sess. and RCW 43.75.120; amending section 13, chapter 162, Laws of 1967 and RCW 43.75.130; amending section 14, chapter 162, Laws of 1967 and RCW 43.75.140; amending section 16, chapter 162, Laws of 1967 and RCW 43.75.160; and declaring an emergency.

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

Section 1. Section 2, chapter 162, Laws of 1967 as amended by section 1, chapter 261, Laws of 1969 ex. sess. and RCW 43.75.020 are each amended to read as follows:

The following terms, when used in this chapter, shall have the following meanings:

- (1) "Authority" means the state building authority.
- (2) "Institution of higher learning" means any one of the following: University of Washington, Washington State University, Western Washington State College, Eastern Washington State College, Central Washington State College, and The Evergreen State College.
- (3) "Governing body" shall mean the board of regents of the University of Washington, the board of regents of Washington State

University, or the board of trustees of any of the state colleges.

(4) "Project" shall mean ((a-single)) any undertaking by the authority to provide one or more buildings under a single lease by the authority.

(5) "Buildings" shall include structures together with improvements on appurtenant adjacent land for the enhancement of the utility or value thereof.

Sec. 2. Section 3, chapter 162, Laws of 1967 and RCW 43.75-.030 are each amended to read as follows:

The authority may contract with any of the institutions of higher learning to lease from any such institution land owned by such institution or may acquire land for the purpose of erecting thereon a building or buildings as requested by the governing body of any such institution of higher learning when such building or buildings shall be specifically approved by the legislature: PROVIDED, That no specific approval by the legislature shall be required for buildings at The Evergreen State College prior to July 1, 1971.

Such building or buildings, ((when-erected,)) together with the land upon which they shall be built, shall be leased or released by the authority to the appropriate institution of higher learning at any time subsequent to the commencement of construction thereof for a term of years not to exceed seventy-five, at reasonable rental rates.

Sec. 3. Section 6, chapter 162, Laws of 1967 as amended by section 2, chapter 27, Laws of 1969 ex. sess. and RCW 43.75.060 are each amended to read as follows:

Rental rates shall be set by the authority in an amount which, during the term of each lease, shall yield sufficient revenue to repay the authority for the cost of construction, land acquisition and all expenditures, including overhead, which may be made by the authority in connection with any such building or the financing

thereof including interest and bond service charges upon the money required for providing any such building. In determining the amount of the rent, the authority shall seek to avoid the making of any profit but may fix the rental at such figure as shall afford reasonable protection to the holders of bonds issued by the authority, and shall also afford reasonable protection to the authority from losses from unpredictable causes.

Sec. 4. Section 7, chapter 162, Laws of 1967 and RCW 43.75-.070 are each amended to read as follows:

Upon the completion of construction of each building, the authority shall make a determination of the cost thereof and the amount required to reimburse the authority for its expenditures in connection therewith. The institution of higher learning concerned shall have the right to purchase the interest of the authority in any building and land pertaining thereto at any time and to terminate the lease thereon by paying to the authority the amount (~~(as determined reduced by the proportion that the number of months for which rent shall have been paid in the rental term shall bear to the total number of months in the term)~~ agreed upon by the authority and the institution.

Sec. 5. Section 8, chapter 162, Laws of 1967 and RCW 43.75-.080 are each amended to read as follows:

~~((Should the authority, at the termination of any lease, have on-hand funds derived from such lease))~~ When the principal of and interest on the bonds or other obligations issued in whole or in part to pay the cost of any project or any bonds or obligations issued to refund such bonds or obligations have been paid in full or such payment has been duly provided for, all remaining funds held by the authority derived from any lease, in excess of the authority's expenditures in connection with the project ((the authority)) shall

~~((pay-such-excess))~~ be paid to the fund or funds from which the rental had been paid. Office and travel expenses of the authority and salaries and wages of its employees shall be budgeted and paid from appropriations of state funds, but the authority shall allocate to each project a proportion of such costs as overhead which shall be recovered on a current basis and deposited in the fund from which overhead expenditures have been made. In determining whether excess funds remain at the conclusion of any lease, any unrecovered overhead allocated to the project shall first be reimbursed.

Sec. 6. Section 9, chapter 162, Laws of 1967 and RCW 43.75-090 are each amended to read as follows:

The authority shall have all powers appropriate to carrying out its functions as outlined in this chapter (~~((--These powers shall include but shall not be limited to the establishment of an office, the employment of personnel, the letting of contracts for the design and construction of buildings as provided in section 43-19-450 RCW, the obtaining of insurance, the borrowing of money, the issuance of bonds or other evidences of indebtedness, and the pledging of its income as security for borrowed money or the mortgaging of its lease holds for that purpose--))~~), including but not limited to the power to:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business.

(2) Adopt an official seal.

(3) Maintain an office.

(4) Sue and be sued in its own name and plead and be impleaded.

(5) Acquire in the name of the authority and hold and dispose of real and personal property, or any interest therein, in the exercise of its powers and the performance of its duties under this act.

(6) Borrow money for any of its corporate purposes as expressed in this chapter and to issue negotiable revenue bonds and other evidences of indebtedness, to refund and refinance, from time to time, such bonds and other evidences of indebtedness as may be deemed to be advantageous by the authority and to provide for the payment of all of such obligations and the rights of the holders thereof.

(7) Make and enter into contracts for the design and construction of buildings as provided in RCW 43.19.450.

(8) Make and enter into other contracts, leases and other instruments necessary or incident to the performance of its duties and the execution of its powers under this act.

(9) Employ appraisal and financial experts, attorneys and other employees and agents as may be necessary in its judgment to carry out its duties and functions under this act and to fix their compensation.

(10) Receive and accept any grants or contributions from the United States of America and any agency thereof and to pledge such contributions or grants to the payment of bonds or other obligations.

(11) Receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made.

(12) Do all acts and things necessary or, in the opinion of the building authority, convenient to carry out the powers expressly granted in this act.

Sec. 7. Section 10, chapter 162, Laws of 1967 and RCW 43.75-.100 are each amended to read as follows:

The state treasurer shall be ex officio treasurer of the authority and all funds of the authority from whatever source

derived shall be deposited with and held by him but such money, except appropriated funds, shall never be commingled with funds in the state treasury nor deemed to be a part of the general funds of the state and shall not be subject to the requirement of legislative appropriation. Subject to covenants relating to bonds and other obligations all funds of the authority not immediately required for current expenditures or disbursement may be invested in bonds or obligations of a nature eligible for the investment of surplus state funds.

Sec. 8. Section 12, chapter 162, Laws of 1967 as amended by section 3, chapter 27, Laws of 1969 ex. sess. and RCW 43.75.120 are each amended to read as follows:

~~(The authority shall determine the form, conditions, covenants including but not being limited to a covenant for the creation, maintenance and replenishment of a reserve account within each bond redemption fund, for coverage of rental revenue to be paid into each bond redemption fund in excess of the actual annual debt service on the bonds payable out of each bond redemption fund, for the selection of a trustee for the owners and holders of such bonds or each issue or series thereof and for the fixing of the rights, duties, powers and obligations of such trustee, and providing for such other covenants, all as in the opinion of the authority are necessary for the most advantageous sale of said bonds, and denominations of the bonds, the maturity dates which the bonds shall bear and the interest rates thereon. The authority may provide for the retirement of the bonds at any time prior to maturity and in such manner and upon payment of such premiums as it may determine in the resolution providing for the issuance of the bonds. All such bonds shall be signed in such manner as the authority shall specify in its resolution.)~~ The authority may issue bonds as provided in this act

whenever and as often as it deems advisable. The authority shall by resolution determine the amount, date, form, terms, conditions, denominations, maximum interest rate, maturity or maturities, redemption rights, registration privileges, manner of execution and covenants of such bonds, including refunding bonds. In the resolution authorizing the issuance of bonds the authority shall have the power;

(1) To pledge to any payment or purpose all or any part of its revenues to which its right then exists or may thereafter come into existence, and the moneys derived therefrom, and the proceeds of any bonds;

(2) To covenant against permitting or suffering any lien on its property;

(3) To covenant as to establishment of reserves or sinking funds, the making of provision for the same, and the regulation and disposition thereof;

(4) To covenant with respect to or against limitations on any right to sell or otherwise dispose of any property of any kind;

(5) To covenant as to the issuance of additional bonds or as to limitations on the issuance of additional bonds and on the incurring of other debts by it;

(6) To covenant as to the payment of the principal of or interest on the bonds, as to the sources and methods of such payment, as to the rank or priority of any such bonds with respect to any lien or security or as to the acceleration of the maturity of any such bonds;

(7) To covenant as to any charges to be established and charged, the amount to be raised each year or other period of time by charges or other revenues and as to the use and disposition to be made thereof;

(8) To covenant to create or authorize the creation of special funds or moneys to be held in pledge or otherwise for operating expenses, payment or redemption of bonds, reserves or other purposes and as to the use and disposition of the moneys held in such funds;

(9) To covenant as to the custody of any of its properties or investments, the safe keeping thereof, the insurance to be carried thereon, and the use and disposition of insurance moneys;

(10) To vest in a trustee or trustees such property, rights, powers and duties in trust as the authority may determine, which may include any or all of the rights, powers and duties of any trustee appointed by the holders of any bonds and to limit or abrogate the right of the holders of any bonds of the authority to appoint a trustee under this act or limiting the rights, powers and duties of such trustee;

(11) To appoint and to provide for the duties and obligations of a paying agent or paying agents, or such other fiduciaries as such resolution may provide; and

(12) To make covenants other than and in addition to the covenants herein expressly authorized, of like or different character, and to make such covenants to do or refrain from doing such acts and things as may be necessary, or convenient and desirable, in order to better secure bonds or which, in the absolute discretion of the authority, will tend to make bonds more marketable, notwithstanding that such covenants, acts or things may not be enumerated herein.

Bonds shall be negotiable instruments and shall be sold on sealed bids to the highest bidder after such advertising for bids as the authority deems proper. The authority may reject any and all bids and may thereafter sell bonds at private sale under such

terms and conditions as it deems most advantageous to its own interests but not at a price below that of the best bid which was rejected. The authority may contract loans and borrow money through the sale of bonds of the same character as those herein authorized from the United States or any agency thereof upon such conditions and terms as may be agreed to and the bonds shall be subject to all the provisions of this chapter except the requirement that they be first offered at public sale. Temporary or interim bonds, certificates, or receipts of any denomination and with or without coupons attached may be issued and delivered until bonds are executed and available for delivery.

Sec. 9. Section 13, chapter 162, Laws of 1967 and RCW 43.75-.130 are each amended to read as follows:

The proceeds from the sale of bonds or other obligations shall be disbursed solely for the completion of the project or projects for which they are sold and all expenses incidental thereto and to the issuance of the bonds or other obligations, the payment of interest on such bonds during the period until revenues shall be derived from the project or projects sufficient to meet interest accruals (~~(--Moneys-derived-from-the-sale-of-bonds,-not-immediately-required-for-current-expenditure,-may-be-invested-in-bonds-or-obligations-of-a-nature-eligible-for-the-investment-of-surplus-state-moneys)~~) and the funding of debt service reserves. Any surplus proceeds may be used to abate project lease rentals or for bond retirement.

Sec. 10. Section 14, chapter 162, Laws of 1967 and RCW 43.75-.140 are each amended to read as follows:

The authority may agree with the purchaser of the bonds upon any conditions or limitations restricting the disbursement of such

funds as may be deemed advisable for the purpose of assuring the proper application of such funds. (~~(Any surplus from the proceeds of the bond sales above the amounts required for the purposes of the project shall be used for bond retirement.)~~)

Sec. 11. Section 16, chapter 162, Laws of 1967 and RCW 43.75-.160 are each amended to read as follows:

The authority may, as security for bonds or funds otherwise borrowed, pledge its rental and other revenues ((~~ex~~)) and mortgage its leaseholds. In the event of default, any such pledge or mortgage may be foreclosed by action brought in the superior court for Thurston county or the obligations of the authority may be enforced by mandamus or other appropriate action. In such foreclosure, the obligee may upon establishment of a default be entitled to the appointment of a receiver to take charge of the mortgaged property or to collect the pledged rental or revenues the same as the authority might do pending completion of foreclosure.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 6, 1970
Passed the Senate February 11, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February, 1970

CHAPTER 104
[Substitute House Bill No. 318]
COLLEGES AND UNIVERSITIES--
BUILDINGS AND PROJECTS--AUTHORIZED

AN ACT Relating to state building authority; authorizing certain projects; repealing section 2, chapter 280, Laws of 1969 ex. sess. (uncodified); and declaring an emergency.

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

NEW SECTION. Section 1. Chapter 162, Laws of 1967, requires that buildings to be constructed by the state building authority for lease to the appropriate institution of higher learning shall be specifically approved by the legislature. Accordingly, legislative approval is hereby granted for the buildings listed below for each institution of higher learning. In order to expedite the construction of the buildings authorized by this section, the state treasurer, with the consent of the finance committee, may make temporary loans to the construction fund of the building authority from funds in the state treasury in the manner prescribed for interfund loans, generally.

FOR THE UNIVERSITY OF WASHINGTON

Construct Health Sciences expansion.	\$ 2,000,000
Construct Undergraduate Library.	\$ 3,389,288
Construct Zoology Research building.	\$ 3,700,000
University Hospital expansion.	\$ 4,076,000

FOR WASHINGTON STATE UNIVERSITY

Construct Humanities Building-Phase I.	\$ 4,492,800
Construct Agricultural Sciences Building-Phase II . .	\$ 2,399,119
Construct Physical Sciences Building-Phase II. . . .	\$ 3,626,350

FOR EASTERN WASHINGTON STATE COLLEGE

Construct Health and Physical Education Building . .	\$ 2,825,000
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Construct Classroom building. \$ 1,732,000
Construct Plant Services building \$ 337,160

FOR CENTRAL WASHINGTON STATE COLLEGE

Construct Library-Instructional Complex \$ 1,000,000
Construct Psychology laboratory and office building . \$ 2,685,997
Construct Physical Plant building \$ 912,000

FOR THE EVERGREEN STATE COLLEGE

Construct Library, Classroom, Heating Plant and
other buildings \$22,260,937

FOR WESTERN WASHINGTON STATE COLLEGE

Construct Library Addition-Phase III. \$ 1,224,400
Construct Northwest Environmental Studies Center. . . \$ 3,966,300
Construct Heating Plant addition. \$ 772,700

NEW SECTION. Sec. 2. Section 2, chapter 280, Laws of 1969 ex. sess. (uncodified), is hereby repealed.

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

Passed the House February 6, 1970
Passed the Senate February 11, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT 1970
EXTRAORDINARY SESSION FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER, 1970

ENGROSSED HOUSE JOINT RESOLUTION NO. 6

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state,
there shall be submitted to the qualified voters of the state for
their approval and ratification, or rejection, a proposal to amend
Article VI, of the Constitution of the state of Washington by amending
section 1, as last amended by Amendment 5, to read as follows:

Article VI, section 1. All persons of the age of (~~twenty-one~~)
nineteen years or over, possessing the following qualifications, shall
be entitled to vote at all elections: They shall be citizens of the
United States; they shall have lived in the state one year, and in the
county ninety days, and in the city, town, ward or precinct thirty
days immediately preceding the election at which they offer to vote;
they shall be able to read and speak the English language: PROVIDED,
(~~That-Indians-not-taxed-shall-never-be-allowed-the-elective-fran-~~
~~chise--AND-FURTHER-PROVIDED;~~) That this amendment shall not affect
the rights of franchise of any person who is now a qualified elector
of this state. The legislative authority shall enact laws defining
the manner of ascertaining the qualifications of voters as to their
ability to read and speak the English language, and providing for
punishment of persons voting or registering in violation of the pro-
vision of this section. There shall be no denial of the elective
franchise at any election on account of sex.

BE IT FURTHER RESOLVED, That the secretary of state shall cause
notice of the foregoing constitutional amendment to be published at
least four times during the four weeks next preceding the election in
every legal newspaper in the state.

AUTHENTICATION

I, Richard O. White, Code Reviser of the State of Washington, do hereby certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by the provisions of RCW 44.20-.060, the laws published herein are a true and correct reproduction of the copies of the enrolled laws of the 1970 extraordinary session (41st Legis. 2nd ex. sess.) as certified and transmitted to the Statute Law Committee by the Secretary of State pursuant to RCW 44.20-.020.

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

Dated at Olympia, Washington, this first day of April, 1970.

Richard O. White

RICHARD O. WHITE
Code Reviser

CROSS REFERENCE TABLES

Bill No. to Chapter No.; 1970 Extraordinary Session

<u>Bill Number</u>	<u>Chapter Number Laws of 1970</u>	<u>Bill Number</u>	<u>Chapter Number Laws of 1970</u>
SB 1	62	HB 5	81
SB 2	41	HB 6	73
SB 8	2	HB 13	86
SB 13	65	HB 21	94
SB 15	28	HB 23	82
SB 18	4	HB 26	87
SB 27	17	HB 33	95
SB 28	29	HB 34	8
SB 40	42	HB 35	9
SB 45	43	HB 36	10
SB 49	45	HB 37	11
SB 52	18	HB 38	12
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SB 60	46	HB 40	14
SB 61	30	HB 41	15
SB 66	31	HB 42	16
SB 67	19	HB 46	68
SB 68	3	HB 51	88
SB 80	63	HB 60	89
SB 81	32	HB 63	69
SB 85	47	HB 66	70
SB 95	48	HB 72	74
SB 99	49	HB 74	6
SB 101	33	HB 103	83
SB 104	23	HB 118	75
SB 105	50	HB 126	71
SB 107	20	HB 127	96
SB 121	21	HB 129	84
SB 126	22	HB 140	76
SB 129	34	HB 142	91
SB 130	54	HB 158	97
SB 132	35	HB 162	98
SB 139	64	HB 164	77
SB 141	36	HB 169	90
SB 144	55	HB 173	99
SB 145	37	HB 180	92
SB 146	56	HB 190	1
SB 161	57	HB 201	100
SB 164	38	HB 220	7
SB 179	39	HB 232	101
SB 191	58	HB 237	78
SB 206	59	HB 251	79
SB 226	51	HB 253	102
SB 228	24	HB 293	72
SB 243	25	HB 295	80
SB 261	60	HB 304	85
SB 266	61	HB 312	103
SB 275	26	HB 318	104
SB 277	27	HB 326	93
SB 288	5		
SB 294	52		
SB 311	40		
SB 317	66		
SB 318	67		
SB 324	53		

TABLE OF RCW SECTIONS AFFECTED BY 1970 Extraordinary Session

RCW		Ch.	Sec.	RCW		Ch.	Sec.
2.12	ADD	96	1	28.03.030	REP	16	1
	ADD	96	2	28.03.050	REP	16	1
2.32.240	AMD	31	1	28.04.060	REP	16	1
3.34.010	AMD	23	1	28.04.125	REP	16	1
3.34.020	AMD	23	2	28.05.010	REP	16	1
7.33	ADD	61	5	28.05.015	REP	16	1
	ADD	61	6	28.05.050	REP	16	1
	ADD	61	7	28.10.010	AMD	18	37
	ADD	61	8	28.10.080	REP	16	1
	ADD	61	9		AMD	18	38
7.33.050	REEN	61	1	28.10.100	REP	16	1
7.33.080	AMD	61	2	28.10.105	REP	16	1
7.33.130	AMD	61	11	28.10.110	REP	16	1
7.33.190	AMD	61	10	28.13.010	REP	16	1
7.33.280	AMD	61	3	28.19.500	REP	16	1
7.33.340	AMD	61	4	28.19.505	REP	16	1
8.12.400	AMD	56	2	28.19.510	REP	16	1
Title 9	ADD	90	1	28.19.515	REP	16	1
9.02	ADD	3	1	28.19.520	REP	16	1
	ADD	3	2	28.19.525	REP	16	1
	ADD	3	3	28.19.530	REP	16	1
9.48.010	AMD	49	1		AMD	84	1
9.48.060	AMD	49	2	28.19.535	REP	16	1
9.73	ADD	48	1	28.19.540	REP	16	1
10.01.112	AMD	31	2	28.19.545	REP	16	1
10.31.030	AMD	49	3	28.19.550	REP	16	1
11.12.010	AMD	17	3	28.19.555	REP	16	1
12.40	ADD	83	2	28.19.560	REP	16	1
	ADD	83	4	28.19.565	REP	16	1
12.40.010	AMD	83	1	28.19.570	REP	16	1
12.40.040	AMD	83	3	28.19.575	REP	16	1
13.04.130	AMD	49	4	28.19.580	REP	16	1
14.08.112	AMD	56	3	28.19.585	REP	16	1
14.08.114	AMD	56	4	28.19.590	REP	16	1
17.28.260	AMD	56	5	28.19.595	REP	16	1
18.28.010	AMD	97	1	28.19.600	REP	16	1
19.20.020	AMD	73	1	28.19.601	REP	16	1
19.52.080	AMD	97	2	28.19.602	REP	16	1
19.86.080	AMD	26	1	28.19.605	REP	16	1
19.86.090	AMD	26	2	28.19.610	REP	16	1
19.86.100	AMD	26	3	28.24.080	REP	16	1
19.86.110	AMD	26	4	28.24.110	REP	16	1
19.86.120	AMD	26	5	28.24.150	AMD	20	1
19.86.130	AMD	26	6	28.27.010	REP	16	1
19.86.140	AMD	26	7	28.27.040	REP	16	1
24.06.095	AMD	78	1	28.27.080	REP	16	1
26.04.010	AMD	17	2	28.27.102	REEN	15	1
26.04.210	AMD	17	5	28.27.104	REP	16	1
26.08.030	AMD	28	1	28.27.190	REP	16	1
26.28	ADD	4	1	28.41.130	REP	16	1
	ADD	4	2	28.41.140	REP	16	1
	ADD	4	3	28.41.145	REP	16	1
	ADD	4	4	28.41.170	REP	16	1
26.28.010	AMD	17	1	28.47.784	REP	16	1
26.36	ADD	82	1	28.47.787	REP	16	1
27.12.070	AMD	42	2	28.47.788	REP	16	1
27.12.222	AMD	42	3	28.47.792	REP	16	1
27.12.223	AMD	56	6	28.47.793	REP	16	1
28.02.020	REP	16	1	28.47.794	REP	16	1
28.02.060	REP	16	1	28.47.795	REP	16	1
28.02.061	REP	16	1	28.47.796	REP	16	1
28.02.070	REP	16	1	28.47.797	REP	16	1
28.02.120	REP	16	1	28.47.798	REP	16	1

TABLE OF RCW SECTIONS AFFECTED BY 1970 Extraordinary Session

RCW		Ch.	Sec.	RCW		Ch.	Sec.
28.47.799	REP	16	1	28.58.450	REP	16	1
28.47.800	REP	16	1	28.58.460	REP	16	1
28.47.801	REP	16	1	28.58.480	REP	16	1
	AMD	42	4	28.58.490	REP	16	1
28.47.802	REP	16	1	28.58.515	REP	16	1
28.47.803	REP	16	1	28.58.530	REP	16	1
28.47.804	REP	16	1	28.58.550	AMD	42	10
28.47.805	REP	16	1	28.58.610	REP	16	1
28.47.806	REP	16	1	28.63.020	REP	16	1
28.47.807	REP	16	1	28.63.022	REP	16	1
28.47.808	REP	16	1	28.65.010	REP	16	1
28.47.809	REP	16	1	28.65.020	REP	16	1
28.47.810	REP	16	1	28.65.040	REP	16	1
28.47.811	REP	16	1	28.65.060	REP	16	1
28.48.010	REEN	15	2	28.65.080	REP	16	1
28.48.030	REP	16	1	28.65.090	REP	16	1
28.48.050	REP	16	1	28.65.095	REP	16	1
28.48.055	REP	16	1	29.65.100	REP	16	1
28.48.060	REP	16	1	28.65.110	REP	16	1
28.48.090	REP	16	1	28.65.120	REP	16	1
28.48.100	REP	16	1	28.65.141	REP	16	1
28.51.010	REP	16	1	28.65.142	REP	16	1
	AMD	42	6	28.65.150	REP	16	1
28.51.020	AMD	42	8	28.65.153	REP	16	1
28.51.180	REP	16	1	28.65.155	REP	16	1
	AMD	56	7	28.65.170	REP	16	1
28.52.050	REP	16	1	28.65.180	REP	16	1
	AMD	56	8	28.67.065	REP	16	1
28.52.055	REP	16	1	28.67.066	REP	16	1
	AMD	56	9	28.67.070	REEN	15	4
28.57.030	REP	16	1	28.67.074	REP	16	1
28.57.040	REP	16	1	28.67.076	REP	16	1
28.57.050	REP	16	1	28.70.040	REP	16	1
28.57.070	REP	16	1	28.70.060	REP	16	1
28.57.090	REP	16	1	28.70.110	REP	16	1
28.57.130	REP	16	1	28.70.140	REP	16	1
28.57.140	REP	16	1	28.71.100	REP	16	1
28.57.150	REP	16	1	28.72.060	REP	16	1
28.57.170	REP	16	1	28.72.070	REP	16	1
28.57.180	REP	16	1	28.75.010	REP	16	1
28.57.190	REP	16	1	28.75.020	REP	16	1
28.57.200	REP	16	1	28.75.030	REP	16	1
	AMD	86	3	28.75.040	REP	16	1
28.57.240	REP	16	1	28.75.050	REP	16	1
28.57.245	REP	16	1	28.75.060	REP	16	1
28.57.255	REP	16	1	28.75.070	REP	16	1
28.57.260	REP	16	1	28.75.080	REP	16	1
28.57.290	REP	16	1	28.75.090	REP	16	1
28.57.300	REP	16	1	28.75.100	REP	16	1
28.57.338	REP	16	1	28.75.110	REP	16	1
28.57.350	REP	16	1	28.75.120	REP	16	1
28.57.370	REP	16	1	28.75.130	REP	16	1
28.57.390	REP	16	1	28.75.140	REP	16	1
28.57.425	REP	16	1	28.75.150	REP	16	1
28.57.426	REP	16	1	28.75.160	REP	16	1
28.57.430	REP	16	1	28.75.170	REP	16	1
28.58.100	REEN	15	3	28.75.180	REP	16	1
28.58.135	REP	16	1	28.75.190	REP	16	1
28.58.281	REP	16	1	28.75.200	REP	16	1
28.58.310	REP	16	1	28.75.210	REP	16	1
28.58.340	REP	16	1	28.75.220	REP	16	1
28.58.360	REP	16	1	28.75.230	REP	16	1
28.58.445	REP	16	1	28.75.900	REP	16	1

TABLE OF RCW SECTIONS AFFECTED BY 1970 Extraordinary Session

RCW		Ch.	Sec.	RCW		Ch.	Sec
28.75.910	REP	16	1	28.85.310	AMD	59	5
28.75.920	REP	16	1	28.85.320	REP	16	1
28.75.930	REP	16	1		AMD	59	3
28.76.192	REP	16	1	28.85.340	REEN	15	6
	AMD	56	10	28.85.350	REEN	15	7
28.76.194	REP	16	1		AMD	56	20
	AMD	56	11		AMD	59	1
28.76.200	REP	16	1	28.85.360	REEN	15	8
	AMD	56	12	28.85.370	REP	16	1
28.76.410	REP	16	1	28.85.390	REP	16	1
28.76.420	REP	16	1		AMD	56	21
28.76.421	REP	16	1	28.85.535	REP	16	1
28.76.540	REP	16	1	28.85.551	REP	16	1
28.76.560	REP	16	1	28.85.572	REP	16	1
28.76.570	REP	16	1	28.85.573	REP	16	1
28.77.030	AMD	102	1	28.85.574	REP	16	1
28.77.070	REP	16	1	28.85.575	REP	16	1
28.77.215	REP	16	1		AMD	79	1
28.77.235	REP	16	1	28.85.580	REP	16	1
28.77.370	REP	16	1	28.85.850	REP	16	1
	AMD	56	13	28.85.851	AMD	5	1
28.77.530	REP	16	1		REP	16	1
	AMD	56	14	28.85.852	REP	16	1
28.77.547	REP	16	1	28.85.855	REP	16	1
	AMD	56	15	28.85.856	REP	16	1
28.80.030	AMD	102	2	28.85.857	REP	16	1
28.80.060	REP	16	1	28.85.860	REP	16	1
28.80.246	REP	16	1	28.85.861	REP	16	1
28.80.530	REP	16	1	28.85.862	REP	16	1
	AMD	56	16	28.85.863	REP	16	1
28.80.560	REP	16	1	28.85.864	REP	16	1
	AMD	56	17	28.85.867	REP	16	1
28.81.055	REP	16	1	28.85.868	AMD	5	2
28.81.080	AMD	102	3		REP	16	1
28.81.084	REP	16	1	28.85.869	REP	16	1
28.81.100	REP	16	1	28.85.875	REP	16	1
28.81.170	REP	16	1	28.87.010	REP	16	1
	AMD	35	5	28.87.030	REEN	15	9
28.81.530	REP	16	1	28.87.050	REP	16	1
	AMD	56	18	28.87.060	REP	16	1
28.81.570	REP	16	1	28.87.070	REEN	15	10
	AMD	56	19	28.87.080	REEN	15	11
28.85	ADD	59	6,7	28.87.090	REP	16	1
28.85.020	REP	16	1	28.87.100	REP	16	1
28.85.030	REP	16	1	28.87.110	REP	16	1
28.85.050	REP	16	1	28.87.130	REP	16	1
28.85.060	REP	16	1	28.87.140	REP	16	1
28.85.090	REP	16	1	28.87.170	REP	16	1
28.85.100	REP	16	1	28.88.010	REP	16	1
28.85.140	REEN	15	5	28.88.020	REP	16	1
28.85.145	REP	16	1	28.89.010	REP	16	1
28.85.160	AMD	18	39	28.89.020	REP	16	1
28.85.170	REP	16	1	28.89.030	REP	16	1
28.85.190	REP	18	62	28.89.040	REP	16	1
28.85.210	REP	18	62	28.89.050	REP	16	1
28.85.220	AMD	18	41	28.89.060	REP	16	1
28.85.221	REP	16	1	28.89.070	REP	16	1
28.85.240	REP	16	1	28.89.080	REP	16	1
28.85.245	REP	16	1	28.89.090	REP	16	1
28.85.246	REP	16	1	28.89.100	REP	16	1
28.85.250	REP	16	1	28.89.110	REP	16	1
28.85.260	REP	18	62	28.89.120	REP	16	1
28.85.310	REP	16	1	28.89.900	REP	16	1

TABLE OF RCW SECTIONS AFFECTED BY 1970 Extraordinary Session

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28.89.910	REP	16	1	28B.30.760	AMD	56	29
28.90.100	REP	16	1	28B.40	ADD	15	28
28.90.110	REP	16	1	28B.40.730	AMD	56	30
	AMD	102	9	28B.40.770	AMD	56	31
28.90.120	REP	16	1	28B.50.140	REEN	15	17
28.90.130	REP	16	1	28B.50.160	AMD	18	54
28.90.140	REP	16	1	28B.50.190	REP	18	62
28.90.150	REP	16	1	28B.50.210	REP	18	62
28.90.160	REP	16	1	28B.50.220	AMD	18	55
28.90.170	REP	16	1	28B.50.260	REP	18	62
28.90.180	REP	16	1	28B.50.320	AMD	59	4
28.93.010	REP	16	1	28B.50.340	REEN	15	18
28.93.020	REP	16	1	28B.50.350	REEN	15	19
28.93.030	REP	16	1		AMD	56	32
28.96.010	REP	16	1		AMD	59	2
28.96.020	REP	16	1	28B.50.360	REEN	15	20
28.96.030	REP	16	1	28B.50.390	AMD	56	33
28.96.040	REP	16	1	28B.50.575	AMD	79	2
28.96.050	REP	16	1	28B.50.851	AMD	5	3
28.96.060	REP	16	1	28B.50.868	AMD	5	4
28.96.070	REP	16	1	28B.75.010	REP	15	29
28.96.080	REP	16	1	28B.75.020	REP	15	29
28.96.090	REP	16	1	28B.75.030	REP	15	29
29.96.100	REP	16	1	28B.75.040	REP	15	29
28.96.300	REP	16	1	28B.75.050	REP	15	29
28A.02.070	REEN	15	12	28B.75.060	REP	15	29
28A.10.010	AMD	18	52	28B.75.070	REP	15	29
28A.10.080	AMD	15	23	28B.81.020	AMD	102	10
	AMD	18	53	29.21.110	AMD	19	1
28A.10.100	AMD	15	24	29.21.150	REEN	10	1
28A.10.110	AMD	15	25	29.21.180	REEN	10	2
28A.21.070	AMD	84	2	33.28.040	AMD	101	1
28A.24.150	AMD	20	2	35.13.015	AMD	52	6
28A.27.102	REEN	15	14	35.37.040	AMD	42	12
28A.45.010	AMD	65	1	35.41.030	AMD	56	34
28A.47.784	AMD	15	26	35.45.020	AMD	56	35
28A.47.801	AMD	42	5	35.45.130	AMD	56	36
28A.48.010	REEN	15	15	35.45.150	AMD	56	37
28A.51.010	AMD	42	7		AMD	93	2
28A.51.020	AMD	42	9	35.58.450	REEN	11	1
28A.57.200	AMD	86	4		AMD	42	13
28A.58.550	AMD	42	11		AMD	56	38
28A.67.070	REEN	15	16	35.58.460	REEN	11	2
28A.87.030	REEN	15	21		AMD	56	39
28A.87.080	REEN	15	22	35.58.470	AMD	56	40
28B.10.280	AMD	15	27	35.61.100	AMD	42	14
28B.10.310	AMD	56	22	35.61.110	AMD	42	15
28B.10.315	AMD	56	23	35.61.170	AMD	56	41
28B.10.325	AMD	56	24	35.67.080	AMD	56	42
28B.10.450	AMD	53	1	35.67.140	AMD	56	43
28B.10.455	AMD	53	2	35.81.100	AMD	56	44
28B.10.460	AMD	53	3	35.82.140	AMD	56	45
28B.10.465	AMD	35	6	35.89.020	AMD	56	46
	AMD	53	4	35.92.080	AMD	56	47
28B.15	ADD	59	9,10	35.92.100	AMD	56	48
28B.15.200	AMD	102	4	35A.02.040	AMD	52	1
28B.15.300	AMD	102	5	35A.02.050	AMD	52	2
28B.15.400	AMD	102	6	35A.12.040	AMD	52	3
28B.15.520	AMD	59	8	35A.29.110	AMD	52	4
28B.20.396	AMD	56	25	35A.29.150	AMD	52	5
28B.20.715	AMD	56	26	35A.40.090	AMD	42	16
28B.20.730	AMD	56	27	36.18.020	AMD	32	1
28B.30.730	AMD	56	28	36.32.020	AMD	58	1

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36.47.040	AMD	47	2	41.26.190	AMD	6	13
36.62.070	AMD	56	49	41.26.200	AMD	6	11
36.67.010	AMD	42	17	41.26.240	AMD	6	16
36.67.020	AMD	42	18	41.26.250	AMD	37	2
36.67.530	AMD	56	50	41.32	ADD	35	1
36.67.560	AMD	56	51	41.32.480	AMD	35	2
36.68.520	AMD	42	19	41.32.497	AMD	35	3
36.69.140	AMD	42	20	41.32.550	AMD	35	4
36.76.010	AMD	42	21	41.40	ADD	68	1
	AMD	56	52	Title 43	ADD	18	1-10,
36.76.080	AMD	42	22			12,13,19,20,28-	
36.76.090	AMD	56	53			30,40,42-49,61-	
36.76.140	AMD	56	54			63	
36.88.030	AMD	66	2		ADD	62	1-10,
36.88.200	AMD	56	55			12-27,31-54,62,	
36.89	ADD	30	6-9			64	
36.89.010	AMD	30	1	43.03	ADD	43	4,5
36.89.020	AMD	30	2	43.03.028	AMD	43	2
36.89.030	AMD	30	3	43.03.040	AMD	43	3
36.89.040	AMD	30	4	43.03.050	AMD	34	1
36.89.050	AMD	30	5	43.17.010	AMD	18	50
36.89.070	REP	30	11		AMD	62	28
37.16.010	AMD	42	23	43.17.020	AMD	18	51
37.16.020	AMD	42	24		AMD	62	29
	AMD	56	56	43.20.020	REP	18	62
37.16.030	AMD	56	57	43.20.030	AMD	18	11
39.28.030	AMD	42	25	43.20.090	AMD	25	1
39.30.010	AMD	42	26	43.21.340	AMD	56	61
39.36	ADD	42	1	43.22	ADD	44	1-9
39.36.020	AMD	42	27	43.22.340	AMD	27	1
39.44.030	AMD	56	58	43.22.350	AMD	27	2
39.48.010	AMD	56	59	43.22.360	AMD	27	3
39.52.020	AMD	56	60	43.22.370	AMD	27	4
39.56.020	AMD	56	106	43.22.380	AMD	27	5
39.60	ADD	93	1	43.22.390	AMD	27	6
41.04.180	AMD	39	10	43.22.400	AMD	27	7
41.04.200	REP	39	12	43.22.410	AMD	27	8
41.04.210	REP	39	12	43.22.420	AMD	27	9
41.04.230	AMD	39	11	43.27A.010	REP	62	30
41.06	ADD	18	8	43.27A.030	REP	62	30
	ADD	39	9	43.27A.040	REP	62	30
	ADD	62	11	43.27A.050	AMD	18	15
41.06.020	REEN	12	1		REP	62	30
41.06.080	REEN	12	2	43.27A.060	REP	62	30
41.16.060	AMD	92	2	43.27A.070	REP	62	30
41.16.145	AMD	37	3	43.27A.100	REP	62	30
41.18.104	AMD	37	1	43.27A.110	REP	62	30
41.24.010	AMD	6	18	43.27A.140	REP	62	30
41.24.030	AMD	6	19	43.27A.150	REP	62	30
41.24.031	AMD	6	20	43.27A.160	REP	62	30
41.26.030	AMD	6	1	43.27A.170	REP	62	30
41.26.040	AMD	6	2	43.43	ADD	63	1-6
41.26.050	AMD	6	3	43.61.010	AMD	18	31
41.26.090	AMD	6	4	43.61.020	AMD	18	32
41.26.100	AMD	6	5	43.61.030	AMD	18	33
41.26.110	AMD	6	6	43.61.040	AMD	18	34
41.26.120	AMD	6	7	43.61.050	AMD	18	35
41.26.130	AMD	6	8	43.61.070	AMD	18	36
41.26.140	AMD	6	9	43.75.020	AMD	103	1
41.26.150	AMD	6	10	43.75.030	AMD	103	2
41.26.160	AMD	6	12	43.75.060	AMD	103	3
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43.75.100	AMD	103	7	47.20.162	REP	51	178
43.75.120	AMD	103	8	47.20.165	REP	51	178
43.75.130	AMD	103	9	47.20.170	REP	51	178
43.75.140	AMD	103	10	47.20.180	REP	51	178
43.75.160	AMD	103	11	47.20.190	REP	51	178
43.83.090	AMD	66	1	47.20.200	REP	51	178
43.99A.020	AMD	40	1	47.20.210	REP	51	178
43.99A.030	AMD	40	2	47.20.220	REP	51	178
46.04	ADD	100	3	47.20.221	REP	51	178
46.20.440	AMD	100	4	47.20.222	REP	51	178
46.37.190	AMD	100	5	47.20.223	REP	51	178
46.37.290	AMD	100	6	47.20.230	REP	51	178
46.44.092	AMD	9	1	47.20.240	REP	51	178
46.61	ADD	100	8	47.20.250	REP	51	178
46.61.350	AMD	100	7	47.20.260	REP	51	178
46.61.405	AMD	100	2	47.20.270	REP	51	178
46.61.410	AMD	100	1	47.20.280	REP	51	178
46.61.520	AMD	49	5	47.20.290	REP	51	178
46.68.100	AMD	85	4	47.20.300	REP	51	178
46.81.030	REEN	9	2	47.20.310	REP	51	178
46.81.050	REEN	9	3	47.20.320	REP	51	178
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47.16.030	REP	51	178	47.20.380	REP	51	178
47.16.040	REP	51	178	47.20.390	REP	51	178
47.16.050	REP	51	178	47.20.400	REP	51	178
47.16.053	REP	51	178	47.20.410	REP	51	178
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47.16.070	REP	51	178	47.20.430	REP	51	178
47.16.080	REP	51	178	47.20.431	REP	51	178
47.16.090	REP	51	178	47.20.440	REP	51	178
47.16.100	REP	51	178	47.20.450	REP	51	178
47.16.110	REP	51	178	47.20.460	REP	51	178
47.16.120	REP	51	178	47.20.461	REP	51	178
47.16.130	REP	51	178	47.20.462	REP	51	178
47.16.140	REP	51	178	47.20.470	REP	51	178
47.16.150	REP	51	178	47.20.480	REP	51	178
47.16.160	REP	51	178	47.20.490	REP	51	178
47.16.180	REP	51	178	47.20.500	REP	51	178
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47.16.200	REP	51	178	47.20.540	REP	51	178
47.20.010	REP	51	178	47.20.541	REP	51	178
47.20.020	REP	51	178	47.20.550	REP	51	178
47.20.030	REP	51	178	47.20.570	AMD	51	173
47.20.040	REP	51	178	47.20.580	AMD	51	174
47.20.050	REP	51	178	47.22.010	AMD	51	175
47.20.060	REP	51	178	47.22.020	AMD	51	176
47.20.070	REP	51	178	47.39.020	AMD	51	177
47.20.080	REP	51	178	47.56.140	AMD	56	62
47.20.090	REP	51	178	47.57.530	AMD	42	28
47.20.100	REP	51	178	47.57.550	AMD	56	63
47.20.109	REP	51	178	47.58.040	AMD	56	64
47.20.110	REP	51	178	47.60.060	AMD	56	65
47.20.120	REP	51	178	47.60.170	AMD	85	6
47.20.130	REP	51	178	47.60.360	AMD	85	5
47.20.140	REP	51	178	48.18.020	AMD	17	4
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50.04.030	AMD	2	2	70.74.010	AMD	72	1
50.04.320	AMD	2	3	70.74.040	AMD	72	2
50.20.010	AMD	2	4	70.74.135	AMD	72	3
50.20.030	AMD	2	20	70.74.201	AMD	72	5
50.20.050	AMD	2	21	70.74.240	AMD	72	4
50.20.060	AMD	2	22	70.74.340	AMD	72	6
50.20.120	AMD	2	5	70.79.290	AMD	21	1
50.20.150	AMD	2	7	70.79.330	AMD	21	2
50.24.010	AMD	2	8	70.79.340	REP	21	3
50.28.010	REP	2	24	70.87.030	AMD	22	1
50.28.020	REP	2	24	70.87.120	AMD	22	2
50.28.030	REP	2	24	70.87.130	REP	22	3
50.28.040	REP	2	24	70.94.141	AMD	62	56
50.28.050	REP	2	24	70.94.211	AMD	62	57
50.28.060	REP	2	24	70.94.221	AMD	62	58
52.08.080	AMD	42	29	70.94.222	AMD	41	2
52.16.061	AMD	56	66			62	59
52.16.080	AMD	42	30	70.94.300	REP	62	30
52.16.100	AMD	56	67	70.94.310	REP	62	30
52.20.060	AMD	56	68	70.94.320	REP	62	30
53.06.040	AMD	47	3	70.95.030	AMD	62	60
53.08.030	AMD	42	31	70.98.050	AMD	18	16
53.34.030	AMD	56	69	70.98.060	AMD	18	17
53.34.040	AMD	56	70	70.98.070	AMD	18	18
53.34.060	AMD	56	71	71.20.110	AMD	47	8
53.36.030	AMD	42	32	72.01	ADD	50	2-4
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53.40.130	AMD	56	75	72.01.040	REP	18	62
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54.24.018	AMD	42	33	72.01.043	AMD	18	61
	AMD	56	77	72.01.061	REP	18	62
54.24.060	AMD	56	78	72.01.062	REP	18	62
54.24.090	AMD	56	79	72.01.064	REP	18	62
56.08.110	AMD	47	4	72.01.065	REP	18	62
56.16.040	AMD	56	80	72.01.066	REP	18	62
56.16.050	AMD	42	34	72.01.067	REP	18	62
56.16.060	AMD	56	81	72.01.070	REP	18	62
56.16.080	AMD	56	82	72.01.080	REP	18	62
57.08.110	AMD	47	5	72.01.330	REP	18	62
57.20.010	AMD	56	83	72.01.340	REP	18	62
57.20.020	AMD	56	84	72.01.350	REP	18	62
57.20.110	AMD	42	35	72.01.360	REP	18	62
57.20.120	AMD	42	36	72.01.450	AMD	50	2
60.28.010	AMD	38	1	72.02.010	REP	18	62
60.28.020	AMD	38	2	72.02.020	REP	18	62
60.28.050	AMD	38	3	72.02.030	REP	18	62
66.24	ADD	65	9	72.02.040	AMD	18	57
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68.08.107	AMD	24	1	72.05.040	REP	18	62
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72.33.675	REP	75	3	82.08.030	AMD	65	6
72.40.030	REP	50	7	82.08.150	AMD	65	10
72.50.010	REP	18	62	82.12.030	AMD	65	7
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72.50.050	REP	18	62	84.36.129	AMD	8	3
72.50.060	REP	18	62	84.40.270	REP	101	4
	AMD	49	6	84.40.280	REP	101	4
72.50.070	REP	18	62	84.40.290	REP	101	4
72.50.080	REP	18	62	84.40.300	REP	101	4
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72.50.100	REP	18	62	84.48	ADD	55	3-12
72.50.110	REP	18	62	84.48.010	AMD	55	2
73.08.080	AMD	47	9	84.52	ADD	92	8,9
74.04.150	AMD	92	3	84.52.010	AMD	92	4
74.09.510	AMD	60	1	84.52.050	AMD	8	4
74.15.060	AMD	18	14		AMD	92	5
74.32.051	AMD	18	21	84.52.051	REP	92	10
74.32.053	AMD	18	22	84.54.010	AMD	92	6
74.36.010	AMD	18	23	84.54.020	AMD	92	7
74.36.020	AMD	18	24	84.54.030	REP	92	10
74.36.030	AMD	18	25	84.54.040	REP	92	10
74.36.040	AMD	18	26	84.54.050	REP	92	10
74.36.050	REP	18	62	84.54.060	REP	92	10
74.36.100	AMD	18	27	84.54.070	REP	92	10
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77.32.060	AMD	29	2	85.05.480	AMD	56	88
77.32.100	AMD	29	3	85.06.270	AMD	56	89
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77.32.105	AMD	29	5	85.07.070	AMD	56	91
77.32.110	AMD	29	6	85.16.180	AMD	56	92
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77.32.130	AMD	29	8	86.09.580	AMD	56	93
77.32.150	AMD	29	9	86.09.598	AMD	56	94
77.32.160	AMD	29	10	86.12.020	AMD	30	10
77.32.190	AMD	29	11	87.03	ADD	70	8
77.32.200	AMD	29	12	87.03.200	AMD	56	95
77.32.225	AMD	29	13	87.03.485	AMD	70	1
78.40.491	REP	72	7	87.03.490	AMD	70	2
79.01.096	AMD	46	1	87.03.495	AMD	70	3
79.01.178	AMD	54	1	87.03.500	AMD	70	4
79.24.610	REP	56	107	87.03.505	AMD	70	5
79.24.612	REP	56	107	87.03.510	AMD	70	6
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	ADD	81	3	88.32.230	AMD	42	37
	ADD	101	3	89.12.040	AMD	71	1
82.04.050	AMD	8	1	89.30.400	AMD	42	38
82.04.280	AMD	8	2	89.30.403	AMD	42	39
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					333*	5	AMD	56	8
					334*	6	REP	16	1
					334*	6	AMD	56	9
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					337*	5	REP	16	1
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					357*	1	REEN	15	10
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<u>LAWS OF 1931</u>			<u>1970 STATS.</u>		<u>LAWS OF 1941(Cont)</u>			<u>1970 STATS.</u>	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
1	7	AMD	42	33	182	8	AMD	56	79
1	7	AMD	56	77	203	1	REP	16	1
111	1	AMD	72	1	210	18	AMD	56	80
111	4	AMD	72	2	210	19	AMD	56	81
					210	21	AMD	56	82
					210	42	AMD	42	34
					218	3	AMD	56	72
<u>LAWS OF 1933</u>			<u>1970 STATS.</u>		<u>LAWS OF 1943</u>			<u>1970 STATS.</u>	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
176	2	AMD	18	37					
178	1	AMD	73	1	162	1	AMD	47	7
<u>LAWS OF 1933 EX.SESS.</u>			<u>1970 STATS.</u>		163	1	AMD	47	6
Ch.	Sec.	Action	Ch.	Sec.	275	4	AMD	71	1
30	1	AMD	56	59	<u>LAWS OF 1945</u>			<u>1970 STATS.</u>	
62		ADD	65	9	Ch.	Sec.	Action	Ch.	Sec.
62	23-J	REEN	13	1	35		ADD	2	6
62	23S-3	REEN	13	2	35		ADD	2	10-18
62	24-A	AMD	65	8	35		ADD	2	19
<u>LAWS OF 1935</u>			<u>1970 STATS.</u>		35		ADD	2	23
Ch.	Sec.	Action	Ch.	Sec.	35	3	AMD	2	1
103	2	AMD	56	91	35	4	AMD	2	2
128	1	AMD	70	5	35	33	AMD	2	3
128	2	AMD	70	6	35	68	AMD	2	4
150		ADD	82	1	35	73	AMD	2	21
158	3	AMD	65	8	35	74	AMD	2	22
<u>LAWS OF 1937</u>			<u>1970 STATS.</u>		35	80	AMD	2	5
Ch.	Sec.	Action	Ch.	Sec.	35	83	AMD	2	7
72	194	AMD	56	93	35	89	AMD	2	8
72	200	AMD	56	94	132	2	AMD	49	4
107	4	AMD	42	25	140	15	AMD	42	34
217	1	REEN	13	1	141	9	REP	16	1
<u>LAWS OF 1939</u>			<u>1970 STATS.</u>		216	3	REP	62	30
Ch.	Sec.	Action	Ch.	Sec.	216	4,5	REP	62	30
34	45	AMD	56	68	216	6	REP	62	30
128	3	AMD	56	84	216	7	REP	62	30
191	1	AMD	47	6	216	8	REP	62	30
<u>LAWS OF 1941</u>			<u>1970 STATS.</u>		216	9	REP	62	30
Ch.	Sec.	Action	Ch.	Sec.	216	11	AMD	88	11
101	5	AMD	72	4	235	79	AMD	101	1
182	4	AMD	56	78	261	1	AMD	6	18
<u>LAWS OF 1947</u>			<u>1970 STATS.</u>		261	3	AMD	6	19
Ch.	Sec.	Action	Ch.	Sec.	264	6	AMD	56	85
79	18,02	AMD	17	4	264	13	AMD	56	86
80	48	AMD	35	2	<u>LAWS OF 1947</u>			<u>1970 STATS.</u>	
80	55	AMD	35	4	Ch.	Sec.	Action	Ch.	Sec.
91	6	AMD	92	2	79	18,02	AMD	17	4
169	3	REP	16	1	80	48	AMD	35	2

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<u>LAWS OF 1957(Cont)</u>			<u>1970 STATS.</u>		<u>LAWS OF 1959(Cont)</u>			<u>1970 STATS.</u>	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
53	2	AMD	56	4	268	5	REP	16	1
59	4	AMD	56	73	268	13	REP	16	1
68	1	AMD	70	3	276	3	REEN	15	2
76	4	REP	16	1	293	1	REP	18	62
76	4	AMD	35	5	293	2	REP	18	62
153	26	AMD	56	5	293	4	REP	18	62
176	8	AMD	29	8	293	5	REP	18	62
176	9	AMD	29	9	293	6	REP	18	62
176	10	AMD	29	10	293	7	REP	18	62
176	13	AMD	29	13	321	2	AMD	2	5
254	4	REP	16	1					
254	4	AMD	56	14					
<u>LAWS OF 1959</u>			<u>1970 STATS.</u>		<u>LAWS OF 1961</u>			<u>1970 STATS.</u>	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
26	74.04.150	AMD	92	3	1		ADD	18	8
28	72.01.010	AMD	18	56	1		ADD	39	9
28	72.01.020	REP	18	62	1		ADD	62	11
28	72.01.030	REP	18	62	1	2	AMD	12	1
28	72.01.040	REP	18	62	1	8	AMD	12	2
28	72.01.070	REP	18	62	12		ADD	100	3
28	72.01.080	REP	18	62	12		ADD	100	8
28	72.01.330	REP	18	62	12	46.37.190	AMD	100	5
28	72.01.340	REP	18	62	12	46.37.290	AMD	100	6
28	72.01.350	REP	18	62	12	46.44.092	AMD	9	1
28	72.01.360	REP	18	62	12	46.56.040	AMD	49	5
28	72.02.010	REP	18	62	12	46.68.100	AMD	85	4
28	72.02.020	REP	18	62	13	47.16.010	REP	51	178
28	72.02.030	REP	18	62	13	47.16.020	REP	51	178
28	72.02.040	AMD	18	57	13	47.16.030	REP	51	178
28	72.05.020	AMD	18	58	13	47.16.040	REP	51	178
28	72.05.030	REP	18	62	13	47.16.050	REP	51	178
28	72.05.040	REP	18	62	13	47.16.060	REP	51	178
28	72.06.010	AMD	18	59	13	47.16.070	REP	51	178
28	72.06.020	REP	18	62	13	47.16.080	REP	51	178
28	72.06.030	REP	18	62	13	47.16.090	REP	51	178
28	72.06.040	REP	18	62	13	47.16.100	REP	51	178
28	72.33.180	AMD	75	2	13	47.16.110	REP	51	178
28	72.40.030	REP	50	7	13	47.16.120	REP	51	178
28	72.50.010	REP	18	62	13	47.16.130	REP	51	178
28	72.50.020	REP	18	62	13	47.16.140	REP	51	178
28	72.50.030	REP	18	62	13	47.16.150	REP	51	178
28	72.50.040	REP	18	62	13	47.16.160	REP	51	178
28	72.50.040	AMD	49	6	13	47.16.180	REP	51	178
28	72.50.050	REP	18	62	13	47.16.190	REP	51	178
28	72.50.060	REP	18	62	13	47.16.200	REP	51	178
28	72.50.070	REP	18	62	13	47.20.010	REP	51	178
28	72.50.080	REP	18	62	13	47.20.020	REP	51	178
28	72.50.090	REP	18	62	13	47.20.030	REP	51	178
28	72.50.100	REP	18	62	13	47.20.040	REP	51	178
28	72.50.110	REP	18	62	13	47.20.050	REP	51	178
187	1	REP	16	1	13	47.20.060	REP	51	178
191	1	REP	16	1	13	47.20.070	REP	51	178
193	8	REP	16	1	13	47.20.080	REP	51	178
193	8	AMD	56	15	13	47.20.090	REP	51	178
236	3	AMD	56	69	13	47.20.100	REP	51	178
236	4	AMD	56	70	13	47.20.109	REP	51	178
236	6	AMD	56	71	13	47.20.110	REP	51	178
266	3	AMD	2	4	13	47.20.120	REP	51	178
					13	47.20.130	REP	51	178

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<u>LAWS OF 1961(Cont)</u>			<u>1970 STATS.</u>		<u>LAWS OF 1961(Cont)</u>			<u>1970 STATS.</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
13	47.20.140	REP	51	178	15		ADD	55	11
13	47.20.150	REP	51	178	15		ADD	55	12
13	47.20.160	REP	51	178	15		ADD	65	3
13	47.20.161	REP	51	178	15		ADD	81	1
13	47.20.165	REP	51	178	15		ADD	81	2
13	47.20.170	REP	51	178	15		ADD	81	3
13	47.20.180	REP	51	178	15		ADD	87	1-17
13	47.20.190	REP	51	178	15		ADD	92	8
13	47.20.200	REP	51	178	15		ADD	92	9
13	47.20.210	REP	51	178	15		ADD	101	3
13	47.20.220	REP	51	178	15	82.02.020	AMD	94	8
13	47.20.230	REP	51	178	15	82.04.280	AMD	8	2
13	47.20.240	REP	51	178	15	82.04.290	AMD	65	4
13	47.20.250	REP	51	178	15	82.04.400	REP	101	4
13	47.20.260	REP	51	178	15	82.04.430	AMD	65	5
13	47.20.270	REP	51	178	15	82.04.430	AMD	101	2
13	47.20.280	REP	51	178	15	82.08.030	AMD	65	6
13	47.20.290	REP	51	178	15	82.08.150	AMD	65	10
13	47.20.300	REP	51	178	15	82.12.030	AMD	65	7
13	47.20.310	REP	51	178	15	82.36.020	AMD	85	3
13	47.20.320	REP	51	178	15	84.36.050	AMD	55	1
13	47.20.325	REP	51	178	15	84.40.270	REP	101	4
13	47.20.330	REP	51	178	15	84.40.280	REP	101	4
13	47.20.340	REP	51	178	15	84.40.290	REP	101	4
13	47.20.360	REP	51	178	15	84.40.300	REP	101	4
13	47.20.379	REP	51	178	15	84.40.310	REP	101	4
13	47.20.380	REP	51	178	15	84.48.010	AMD	55	2
13	47.20.390	REP	51	178	15	84.52.010	AMD	92	4
13	47.20.400	REP	51	178	15	84.52.050	AMD	8	4
13	47.20.410	REP	51	178	15	84.52.050	AMD	92	5
13	47.20.420	REP	51	178	15	84.56.400	AMD	55	13
13	47.20.430	REP	51	178	31	4	AMD	47	3
13	47.20.440	REP	51	178	130	23	REP	16	1
13	47.20.450	REP	51	178	158	1	AMD	42	26
13	47.20.460	REP	51	178	181	31	AMD	42	28
13	47.20.461	REP	51	178	181	33	AMD	56	63
13	47.20.462	REP	51	178	188	1	REP	62	30
13	47.20.470	REP	51	178	188	2	REP	62	30
13	47.20.480	REP	51	178	188	3	REP	62	30
13	47.20.490	REP	51	178	207	5	AMD	18	16
13	47.20.500	REP	51	178	207	6	AMD	18	17
13	47.20.540	REP	51	178	207	7	AMD	18	18
13	47.20.541	REP	51	178	216	8	AMD	26	1
13	47.20.550	REP	51	178	216	9	AMD	26	2
13	47.20.570	AMD	51	173	216	10	AMD	26	3
13	47.20.580	AMD	51	174	216	11	AMD	26	4
13	47.22.010	AMD	51	175	216	12	AMD	26	5
13	47.22.020	AMD	51	176	216	13	AMD	26	6
13	47.56.140	AMD	56	62	216	14	AMD	26	7
13	47.58.040	AMD	56	64	224	1	REP	16	1
13	47.60.060	AMD	56	65	229	4	REP	16	1
13	47.60.170	AMD	85	6	229	4	AMD	56	12
15		ADD	55	3	229	7	REP	16	1
15		ADD	55	4	229	7	AMD	56	10
15		ADD	55	5	229	8	REP	16	1
15		ADD	55	6	229	8	AMD	56	11
15		ADD	55	7	241	2	REP	16	1
15		ADD	55	8	241	3	REP	16	1
15		ADD	55	9	241	5	REP	16	1
15		ADD	55	10	241	6	REP	16	1

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
242	1	AMD	47	5	84	3	AMD	66	2
257	1	AMD	47	4	92	1	AMD	42	26
268	15	REP	16	1	102	1	AMD	7	1
299	10	AMD	23	1	123	1	AMD	83	1
299	11	AMD	23	2	136	1	REP	101	4
					177	7	AMD	29	11
					180	1	AMD	102	2
					181	1	AMD	102	1
					217	1	AMD	21	2
					218	13	AMD	42	19
					230	1	AMD	17	2
					230	4	AMD	17	5
					240	1	REP	51	178
<u>LAWS OF 1961 EX. SESS.</u>			<u>1970 STATS.</u>		<u>LAWS OF 1963 EX. SESS.</u>			<u>1970 STATS.</u>	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
7	19	AMD	85	5					
12	4	REP	16	1					
12	4	AMD	56	16					
12	7	REP	16	1					
12	7	AMD	56	17					
13	3	AMD	102	3					
14	4	REP	16	1					
14	4	AMD	56	18					
14	8	REP	16	1	3	1	REP	51	178
14	8	AMD	56	19	3	3	REP	51	178
21	3	REP	51	178	3	4	REP	51	178
21	4	REP	51	178	3	6	REP	51	178
21	9	REP	51	178	3	7	REP	51	178
21	10	REP	51	178	3	8	REP	51	178
21	12	REP	51	178	3	10	REP	51	178
21	15	REP	51	178	3	11	REP	51	178
21	41	REP	51	178	3	12	REP	51	178
					3	13	REP	51	178
					3	15	REP	51	178
					3	16	REP	51	178
					3	17	REP	51	178
					3	20	REP	51	178
					3	30	REP	51	178
					14	16	AMD	35	3
					21	8	REP	51	178
<u>LAWS OF 1963</u>			<u>1970 STATS.</u>		<u>LAWS OF 1965</u>			<u>1970 STATS.</u>	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
3	1	AMD	71	1	7	35.13.015	AMD	52	6
4	36.18.020	AMD	32	1	7	35.37.040	AMD	42	12
4	36.32.020	AMD	58	1	7	35.41.030	AMD	56	34
4	36.32.350	AMD	47	1	7	35.45.020	AMD	56	35
4	36.47.040	AMD	47	2	7	35.45.130	AMD	56	36
4	36.62.070	AMD	56	49	7	35.45.150	AMD	56	37
4	36.67.010	AMD	42	17	7	35.45.150	AMD	93	2
4	36.67.020	AMD	42	18	7	35.58.450	AMD	11	1
4	36.69.140	AMD	42	20	7	35.58.450	AMD	42	13
4	36.76.010	AMD	42	21	7	35.58.460	AMD	11	2
4	36.76.010	AMD	56	52	7	35.58.470	AMD	56	40
4	36.76.080	AMD	42	22	7	35.61.100	AMD	42	14
4	36.76.090	AMD	56	53	7	35.61.110	AMD	42	15
4	36.76.140	AMD	56	54	7	35.61.170	AMD	56	41
4	36.88.030	AMD	66	2	7	35.67.080	AMD	56	42
4	36.88.140	AMD	66	3	7	35.67.140	AMD	56	43
4	36.88.200	AMD	56	55	7	35.81.100	AMD	56	44
7	1	AMD	8	1	7	35.82.140	AMD	56	45
16	2	AMD	100	2	7	35.89.020	AMD	56	46
16	3	AMD	100	1					
26	3	AMD	22	1					
26	12	AMD	22	2					
25	13	REP	22	3					
30	1	REP	16	1					
38	4	AMD	9	2					
39	5	AMD	9	3					
75	1	AMD	39	10					

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<u>LAWS OF 1967(Cont)</u>			<u>1970 STATS.</u>		<u>LAWS OF 1967(Cont)</u>			<u>1970 STATS.</u>	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
73	7	AMD	52	6	242	18	REP	62	30
106	1	AMD	67	1	242	19	REP	62	30
107	2	AMD	42	18					
109	1	AMD	30	1					
109	2	AMD	30	2					
109	3	AMD	30	3					
109	4	AMD	30	4					
109	5	AMD	30	5					
109	8	REP	30	11	8	2	REP	16	1
134	3	REP	18	62	8	3	REP	16	1
134	4	REP	18	62	8	5	REP	16	1
134	5	REP	18	62	8	6	REP	16	1
134	6	REP	18	62	8	9	REP	16	1
141	5	AMD	75	1	8	10	REP	16	1
141	6	REP	75	3	8	14	REEN	15	5
141	10	AMD	75	2	8	16	AMD	18	39
157	1	AMD	27	1	8	17	REP	16	1
157	2	AMD	27	2	8	19	REP	18	62
157	3	AMD	27	3	8	21	REP	18	62
157	4	AMD	27	4	8	22	AMD	18	41
157	5	AMD	27	5	8	24	REP	16	1
157	6	AMD	27	6	8	25	REP	16	1
157	7	AMD	27	7	8	26	REP	18	62
157	8	AMD	27	8	8	31	REP	16	1
160	2	AMD	6	19	8	32	AMD	59	3
162	2	AMD	103	1	8	34	REEN	15	6
162	3	AMD	103	2	8	35	REEN	15	7
162	6	AMD	103	3	8	36	REEN	15	8
162	7	AMD	103	4	8	39	REP	16	1
162	8	AMD	103	5	8	39	AMD	56	21
162	9	AMD	103	6	8	41	AMD	18	37
162	10	AMD	103	7	8	58	REP	16	1
162	12	AMD	103	8	17	1	AMD	20	1
162	13	AMD	103	9	20	1	AMD	100	4
162	14	AMD	103	10	26	9	AMD	32	1
162	16	AMD	103	11	26	23	AMD	38	2
164	8	AMD	42	40	26	24	AMD	38	3
172	6	AMD	18	14	26	34	AMD	65	2
172	18	AMD	18	21	30	4	AMD	60	1
172	19	AMD	18	22	33	1	AMD	18	27
176	2	AMD	29	2	56	1	REP	16	1
201	1	AMD	97	1	56	4	REP	16	1
236	11	AMD	89	1	56	5	REP	16	1
236	13	AMD	89	2	78	1	AMD	46	1
236	14	AMD	89	3	81	32	REP	16	1
236	16	AMD	94	8	81	37	REP	16	1
238	25	AMD	62	56	85	2	AMD	51	177
238	34	AMD	62	57	105	4	REEN	14	1
238	35	AMD	62	58	110	11	AMD	47	7
238	36	AMD	41	2	110	16	AMD	47	8
238	36	AMD	62	59	119	35A.02.040	AMD	52	1
242	1	REP	62	30	119	35A.02.050	AMD	52	2
242	3	REP	62	30	119	35A.12.040	AMD	52	3
242	4	REP	62	30	119	35A.29.110	AMD	52	4
242	5	AMD	18	15	119	35A.29.150	AMD	52	5
242	5	REP	62	30	119	35A.40.090	AMD	42	16
242	6	REP	62	30	126	2	AMD	40	1
242	7	REP	62	30	126	3	AMD	40	2
242	10	REP	62	30	132	2	AMD	8	3
242	11	REP	62	30	139	13	AMD	88	12
242	16	REP	62	30	139	14	AMD	88	13
242	17	REP	62	30					

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119	13	REP	16	1	176	47	REP	16	1
119	14	REP	16	1	176	48	REP	16	1
119	15	REP	16	1	176	49	REP	16	1
119	16	REP	16	1	176	50	REP	16	1
119	17	REP	16	1	176	51	REP	16	1
120	19	AMD	78	1	176	52	REP	16	1
133		ADD	88	6	176	53	REP	16	1
133		ADD	88	7	176	54	REP	16	1
133		ADD	88	8	176	55	REP	16	1
133	1	AMD	88	2	176	56	REP	16	1
133	2	AMD	88	3	176	57	REP	16	1
133	3	AMD	88	4	176	58	REP	16	1
133	4	AMD	88	5	176	58	AMD	86	3
133	5	AMD	88	10	176	59	REP	16	1
133	7	AMD	88	9	176	61	REP	16	1
133	10	AMD	88	1	176	62	REP	16	1
134	3	AMD	62	60	176	63	REP	16	1
136	1	REEN	13	2	176	64	REP	16	1
137	3	AMD	72	1	176	65	REP	16	1
137	6	AMD	72	5	176	66	REP	16	1
137	17	AMD	72	4	176	67	REP	16	1
137	18	AMD	72	3	176	68	REP	16	1
137	22	REP	72	7	176	69	REEN	15	4
137	30	AMD	72	6	176	70	REP	16	1
142	1	AMD	97	2	176	71	REP	16	1
150	14	AMD	35	2	176	72	REP	16	1
150	15	AMD	35	3	176	73	REP	16	1
150	20	AMD	35	4	176	74	REP	16	1
150	22	REP	16	1	176	75	REP	16	1
150	22	AMD	35	5	176	76	REEN	15	9
150	23	AMD	35	6	176	77	REP	16	1
150	23	AMD	53	4	176	78	REEN	15	10
151	1	AMD	38	1	176	79	REEN	15	11
152	2	AMD	12	2	176	80	REP	16	1
153	1	REEN	15	3	176	81	REP	16	1
153	2	REP	16	1	176	82	REP	16	1
168	16	AMD	62	56	176	83	REP	16	1
168	24	AMD	62	57	176	84	REP	16	1
168	25	AMD	62	58	176	85	REP	16	1
168	26	AMD	41	2	176	86	REP	16	1
168	26	AMD	62	59	176	89	AMD	10	1
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176	35	REP	16	1	184	1	REEN	15	2
176	36	REP	16	1	184	2	REP	16	1
176	37	REP	16	1	184	3	REEN	15	15
176	38	REP	16	1	196	1	REP	16	1
176	39	REEN	15	1	199	24	AMD	9	2
176	40	REEN	15	2	199	25	AMD	9	3
176	41	REP	16	1	199	42	REEN	15	1
176	42	REP	16	1	199	43	REP	16	1
176	43	REP	16	1	199	44	REP	16	1
176	44	REP	16	1	199	45	REP	16	1
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199	49	REP	16	1	223	28B.15.200	AMD	102	4
199	50	REEN	15	11	223	28B.15.300	AMD	102	5
199	50	REP	16	1	223	28B.15.400	AMD	102	6
199	51	REP	16	1	223	28B.20.396	AMD	56	25
199	52	REP	16	1	223	28B.20.715	AMD	56	26
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209	5	AMD	6	3	223	28B.40.770	AMD	56	31
209	9	AMD	6	4	223	28B.50.140	REEN	15	17
209	10	AMD	6	5	223	28B.50.160	AMD	18	54
209	11	AMD	6	6	223	28B.50.190	REP	18	62
209	12	AMD	6	7	223	28B.50.210	REP	18	62
209	13	AMD	6	8	223	28B.50.220	AMD	18	55
209	14	AMD	6	9	223	28B.50.260	REP	18	62
209	15	AMD	6	10	223	28B.50.320	AMD	59	4
209	16	AMD	6	11	223	28B.50.340	REEN	15	18
209	17	AMD	6	12	223	28B.50.350	REEN	15	19
209	18	AMD	6	13	223	28B.50.360	REEN	15	20
209	22	AMD	6	14	223	28B.50.390	AMD	56	33
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209	33	AMD	37	1	223	28B.75.030	REP	15	29
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218	3	AMD	9	2	229	1	AMD	27	1
218	4	AMD	9	3	229	2	AMD	27	4
219	3	AMD	6	6	229	3	AMD	27	9
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221	11	AMD	10	1	232	2	AMD	56	3
222	2	AMD	15	27	232	3	AMD	56	4
223	28A.02.070	REEN	15	12	232	4	AMD	56	6
223	28A.10.010	AMD	18	52	232	5	AMD	67	1
223	28A.10.080	AMD	15	23	232	6	AMD	56	10
223	28A.10.080	AMD	18	53	232	7	AMD	56	11
223	28A.24.150	AMD	20	2	232	8	AMD	56	12
223	28A.27.102	REEN	15	14	232	9	AMD	56	13
223	28A.45.010	AMD	65	1	232	10	AMD	56	14
223	28A.47.784	AMD	15	26	232	11	AMD	56	15
223	28A.48.010	REEN	15	15	232	12	AMD	56	16
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223	28A.57.200	AMD	86	4	232	14	AMD	56	77
223	28A.58.550	AMD	42	11	232	15	AMD	56	34
223	28A.67.070	REEN	15	16	232	18	AMD	56	40
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223	28B.10.280	AMD	15	27	232	21	AMD	56	44
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232	30	AMD	56	54	232	89	AMD	56	66
232	31	AMD	56	60	232	90	AMD	56	68
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232	39	AMD	56	75	232	101	AMD	56	27
232	40	AMD	56	67	232	102	AMD	56	28
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232	44	AMD	56	93	232	104	AMD	56	30
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232	48	AMD	56	105	237	1	AMD	39	10
232	50	AMD	56	88	237	2	REP	16	1
232	51	AMD	56	89	237	5	REP	39	12
232	52	AMD	56	90	237	6	REP	39	12
232	53	AMD	56	91	237	8	REP	39	12
232	54	AMD	56	92	238	1	REP	16	1
232	55	AMD	56	96	238	1	AMD	56	105
232	56	AMD	56	97	238	4	REP	16	1
232	57	AMD	56	98	238	5	AMD	59	4
232	58	AMD	56	99	238	6	REEN	15	18
232	59	AMD	56	100	238	7	REEN	15	20
232	60	AMD	56	101	242	1	REP	92	10
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232	62	AMD	56	103	244	13	REP	16	1
232	64	AMD	56	2	246	1	REP	101	4
232	65	AMD	56	5	255	3	AMD	8	1
232	66	AMD	56	7	255	5	AMD	8	2
232	67	REP	16	1	255	17	AMD	11	1
232	67	AMD	56	8	255	18	AMD	11	2
232	68	REP	16	1	258	11	AMD	56	35
232	68	AMD	56	9	261	1	AMD	103	1
232	69	REP	16	1	261	2	REP	16	1
232	69	AMD	56	18	261	3	REP	16	1
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232	70	AMD	56	19	261	5	REP	16	1
232	71	AMD	56	43	261	6	REP	16	1
232	72	AMD	42	21	261	7	REP	16	1
232	72	AMD	56	52	261	8	REEN	15	5
232	73	AMD	56	55	261	9	REP	16	1
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264		ADD	61	6
264		ADD	61	7
264		ADD	61	8
264		ADD	61	9
264		ADD	61	10
264	5	AMD	61	1
264	8	AMD	61	2
264	13	AMD	61	11
264	28	AMD	61	3
264	34	AMD	61	4
269	3	REP	16	1
269	4	REP	16	1
269	5	REP	16	1
273	3	REEN	14	1
275	2	REEN	13	1
276	1	REEN	15	8
281	5	REP	51	178
281	6	AMD	51	177
281	7	REP	51	178
281	8	REP	51	178
281	9	REP	51	178
281	10	AMD	51	172
281	13	REP	51	178
281	60	AMD	9	1
283	2	REEN	15	6
283	14	REP	16	1
283	15	REP	16	1
283	16	REP	16	1
283	18	REP	16	1
283	20	REP	16	1
283	21	REP	16	1
283	24	REEN	15	12
283	30	REEN	15	17
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