

The commission in selecting any project for improvement or construction may depart from the priority of projects so established (a) to the extent that otherwise funds cannot be utilized feasibly within the budget, (b) as may be required by a court judgment or legally binding agreement, (c) to take advantage of some substantial financial benefit that may be available, or (d) for continuity of route development. The commission shall identify in its summary of the six-year construction program the extent to which the commission has departed from the established priority of projects.

The six year construction program shall be revised biennially in accordance with revisions in functional classification or priority ratings within each functional class resulting from changed conditions. The program shall be extended for an additional two years, to six years in the future, on July 1st of each odd-numbered year.

Sec. 7. Section 7, chapter 173, Laws of 1963 and RCW 47.05.070 are each amended to read as follows:

The state highway commission shall prepare and present to the governor and to the legislature at the time of its convening, a recommended budget for the ensuing biennium. The biennial budget shall ((summarize construction expenditures by designated highways and by functional classes of highways)) include details of proposed expenditures, performance and public service criteria for construction, maintenance, and planning activities in consonance with the six-year comprehensive program and financial plan adopted under provisions of RCW 47.05.040.

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 The following acts or parts of acts are each hereby repealed:

(1) Section 47.01.140, chapter 13, Laws of 1961 and RCW 47.01.140;

(2) Section 6, chapter 173, Laws of 1963 and RCW 47.05.060; and

(3) Section 8, chapter 173, Laws of 1963, section 6, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.080.

Passed the Senate September 8, 1973.

Passed the House September 13, 1973.

Approved by the Governor September 22, 1973.

Filed in Office of Secretary of State September 24, 1973.

CHAPTER 13

[Engrossed Senate Bill No. 2300]

SUPERIOR COURTS--RANDOM JUROR SELECTION--

ELECTRONIC DATA PROCESSING SYSTEM

AN ACT Relating to juries; and adding new sections to chapter 2.36 RCW.

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

NEW SECTION. Section 1. There is added to chapter 2.36 RCW a new section to read as follows:

The judge or judges of the superior court of any county may, if they so choose, by local superior court rule, employ a properly programmed electronic data processing system or device to make random selection of jurors as required by RCW 2.36.060.

Upon determination that such system shall be employed, the judge or judges of the superior court shall direct the county auditor to provide the names and other information concerning all registered voters which have been filed with him by the registrar of voters pursuant to RCW 2.36.060.

In those counties employing the electronic data processing random selection method, the judge or judges of the superior court may determine that fair and random selection may be achieved without division of the county into three or more jury districts. Upon such determination, the judge or judges shall, during the month of July each year, order a master jury list to be selected by an unrestricted random sample from the names of all registered voters filed with the county auditor, without regard to location of precinct.

In those counties employing the electronic data processing random selection method, if the judge or judges of the superior court determine that the jury district procedure required for noncomputer jury selection is to be followed, the judge or judges shall divide the county into not less than three jury districts pursuant to RCW 2.36.060. The judge or judges shall during the month of July each year, order a master jury list to be selected by an unrestricted random sample from the names of all registered voters filed with the county auditor. Such list must contain as nearly as possible an equal number of jurors from each jury district.

The master jury list randomly selected shall contain names of a sufficient number of qualified voters to serve as jurors until the first day of August of the next calendar year, and shall be certified and filed with the county clerk. At any time the judge or judges may add to the jury list in the random selection manner by data process device as approved by the judge or judges. A certified list of the added names shall be filed with the county clerk.

NEW SECTION. Sec. 2. There is added to chapter 2.36 RCW an new section to read as follows:

At such time as the judge or judges of the superior court of any county shall deem that the public business requires a jury term to be held, he or they shall direct the county clerk to select jurors to serve for the ensuing term, pursuant to RCW 2.36.090. In any county in which the judge or judges have chosen to employ the electronic data process random selection method as provided for in

section 1 of this 1973 amendatory act, the county clerk shall within the first fifteen days of the calendar month preceding the month on which the jurors are to be called to serve, cause the names of the jurors to be selected from the master list of prospective jurors for the year placed on file in his office.

The name of a person once selected for a jury term shall be excluded from selection of jurors for subsequent terms in that jury year unless otherwise ordered by the judge or judges of superior court: PROVIDED, That at any time or for any period or periods of time, the judge or judges may direct by rule or order that all or any number or proportion of the jurors thereafter to be selected shall be selected to serve for two successive terms, to the end that not all of the jurors serving during a given period shall cease their service at the same time.

It shall be the duty and responsibility of the judge or judges of the superior court to insure that such electronic data processing system or device is employed so as to insure continued random selection of the master jury list and jurors. To that end, the judge or judges shall review the process from time to time and shall cause to be kept on file with the county clerk a description of the jury selection process. Any person who desires may inspect this description in said office.

Nothing in this act shall be construed as requiring uniform equipment or method throughout the state, so long as fair and random selection of the master jury list and jurors is achieved.

Passed the Senate September 15, 1973.

Passed the House September 14, 1973.

Approved by the Governor September 22, 1973.

Filed in Office of Secretary of State September 24, 1973.

CHAPTER 14

[Substitute Senate Bill No. 2387]

PUBLIC EMPLOYEES' RETIREMENT SYSTEM--WASHINGTON STATE PATROL RETIREMENT--BENEFITS--REPUNDS

AN ACT Relating to public employees; amending section 1, chapter 68, Laws of 1970 ex. sess. as last amended by section 11, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.195; amending section 29, chapter 274, Laws of 1947 and RCW 41.40.280; amending section 43.43.270, chapter 8, Laws of 1965 as last amended by section 4, chapter 180, Laws of 1973 1st ex. sess. and RCW 43.43.270; repealing section 43.43.270, chapter 8, Laws of 1965, section 6, chapter 12, Laws of 1969, section 1, chapter ..., Laws of 1973 2nd ex. sess. (Engrossed Senate Bill